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ACTS

OF A

GENERAL NATURE,

PASSED BY THE

LEGISLATURE OF WISCONSIN,

IN THE YEAR 1864,

TOGETHER WITH

JOINT RESOLUTIONS AND MEMORIALS.

PUBLISHED BY AUTHORITY.

MADISON, WIS.:
WILLIAM J. PARK, STATE PRINTER, HARDING'S BLOCK.
1864.

2 5 1970

LIST OF MEMBERS AND OFFICERS.

"SECTION 1. * * * There shall be perfixed to each volume of the laws, hereafter published, the names and residences of the several state officers, the senators and members of the assembly, and the presiding officers and clerks of both branches of the legislature at the time of the passage of such laws."—*General laws of 1864, chapter 94.*

NAMES AND RESIDENCES

Of the state officers, senators, members of the assembly, presiding officers and clerks of both branches of the legislature, in office at the time of the passage of those laws contained in this volume.

NAME.	OFFICE.	RESIDENCE.	
		Postoffice.	*County.*
James T. Lewis,	Governor,	Columbus,	Columbia.
Wyman Spooner,	Lieut. governor,	Elkhorn,	Walworth.
Frank H. Firmin,	Private sec'y governor,	Fitchburg,	Dane.
Lucius Fairchild,	Secretary of state,	Madison,	Dane.
Eli A. Spencer,	Ass't sec'y of state,	Sun Prairie,	Dane.
Samuel D. Hastings,	State treasurer,	Trempealeau,	Trempealeau.
Chauncey H. Purple,	Ass't state treasurer,	Waukesha,	Waukesha.
Winfield Smith,	Attorney general,	Milwaukee,	Milwaukee.
Emil Wallber,	Ass't attorney general,	Milwaukee,	Milwaukee.
Josiah L. Pickard,	State superintendent,	Platteville,	Grant.
A. J. Craig,	Ass't state superinten't.	Palmyra,	Jefferson.
William H. Ramsey,	Bank comptroller,	Ozaukee,	Ozaukee.
S. A. White,	Bank register,	Whitewater,	Walworth.
Charles G. Meyer,	Ass't bank register,	Fredonia,	Ozaukee.
Henry Cordier,	State prison commis'r,	Waupun,	Dodge.
O. M. Conover,	State librarian,	Madison,	Dane.
Nathaniel Sawyer,	Sup't public property,	Shopiere,	Rock.
John E. Thomas,	Senator,	Sheboygan Fl's	Sheboygan.
Fred. S. Ellis,	do	Green Bay,	Brown.
J. R. Bohan,	do	Ozaukee,	Ozaukee.
F. O. Therp,	do	West Bend,	Washington.
W. K. Wilson,	do	Milwaukee,	Milwaukee.
Hugh P. Reynolds,	do	Milwaukee,	Milwaukee.
T. D. Morris,	do	Whitesville,	Racine.
Anthony Van Wyck,	do	Kenosha,	Kenosha.
A. M. Kimball,	do	Pine River,	Waushara.
William Blair,	do	Waukesha,	Waukesha.
Willard H. Chandler,	do	Windsor,	Dane.

Name.	Office.	Residence.	
		Postoffice.	*County.*
N. M. Littlejohn,	Senator,	Whitewater,	Walworth.
James H. Earnest,	do	Shullsburg,	La Fayette.
Smith S. Wilkinson,	do	Prairie du Sac,	Sauk.
George L. Frost,	do	Mineral Point,	Iowa.
Milas K. Young,	do	Glen Haven,	Grant.
W. A. Lawrence,	do	Janesville,	Rock.
W. E. Smith,	do	Fox Lake,	Dodge.
Joseph Vilas, Jr ,	do	Manitowoc,	Manitowoc.
Geo. F. Wheeler,	do	Nanauna,	Fond du Lac.
J. B. Hamilton,	do	Neenah,	Winnebago.
Joseph Harris,	do	Sturgeon Bay,	Door.
J. D. Clapp,	do	Fort Atkinson,	Jefferson.
Walter S. Wescott,	do	Monroe,	Green.
Jonathan Bowman,	do	Kilbourn City,	Columbia.
Thomas Hood,	do	Madison,	Dane.
A. S. McDill,	do	Plover,	Portage.
Austin H. Young,	do	Prescott,	Pierce.
C. S. Kelsey,	do	Montello,	Marquette.
Wm. Ketchum,	do	Richland City,	Richland.
Angus Cameron,	do	La Crosse,	La Crosse.
Carl C. Pope,	do	Black River Falls,	Jackson.
Sat. Clark,	do	Horicon,	Dodge.
W. W. Field, speaker,	Member of assembly,	Fennimore,	Grant.
W. J. Abrams,	do	Green Bay,	Brown.
Geo. H. Adams,	do	Danville,	Dodge.
Fayette Allen,	do	Durand,	Pepin.
Lucius Allen,	do	East Troy,	Walworth.
Yates Ashley,	do	Pardeeville,	Columbia.
Max Bachhuber,	do	Farmersville,	Dodge.
J. Allen Barber,	do	Lancaster,	Grant.
George S. Barnum,	do	Waukau,	Winnebago.
Henry D. Barron,	do	Falls St. Croix,	Polk.
A. C. Barry,	do	Sylvania,	Racine.
Horace Beach,	do	Prairie du Chien,	Crawford.
Wood R. Beach,	do	Beetown,	Grant.
Philo Belden,	do	Rochester,	Racine.
J. M. Bingham,	do	Palmyra,	Jefferson.
W. W. Blackman,	do	Stoughton,	Dane.
Albert Bliss,	do	Reedstown,	Vernon.
Wm. T. Bonniwell, Jr.,	do	Cedarburg,	Ozaukee.
Perry Bostwick,	do	Beloit,	Rock.
Nelson Boutin,	do	Kewaunee,	Kewaunee.
Jerome Burbank,	do	Brodhead,	Green.
S. S. Burton,	do	La Crosse,	La Crosse.
Joel R. Carpenter,	do	Oconomowoc,	Waukesha.
N. B. Caswell,	do	Milwaukee,	Milwaukee.
Lyman Clark,	do	Kildare,	Juneau.
Robert Cochran,	do	Westfield,	Marquette.
Samuel Cole,	do	Gratiot,	La Fayette.
William Costigan,	do	Marcy,	Waukesha.
John G. Daily,	do	Hustisford,	Dodge.

Name.	Office.	Residence.	
		Postoffice.	*County.*
Tarleton Dunn,	Member of assembly,	Elk Grove,	La Fayette.
Thomas Earle,	do	Fulton,	Rock.
J. S. Elwell,	do	Hudson,	St. Croix.
John W. Eviston,	do	Milwaukee,	Milwaukee.
James Field,	do	Berlin,	Green Lake.
Anton Frey,	do	Franklin,	Milwaukee.
Edwin H. Galloway,	do	Fond du Lac,	Fond du Lac.
Charles Geisse,	do	Taycheedah,	Fond du Lac.
T. H. Goodhue,	do	Whitewater,	Walworth.
Wm. T. Green,	do	Lowell,	Dodge.
Robert Hass,	do	Watertown,	Jefferson.
Henry Hildebrandt,	do	Station P. O.,	Washington.
Levi Hubbell,	do	Milwaukee,	Milwaukee.
Jeremiah Hunt,	do	Menasha,	Winnebago.
John Jeffers,	do	Darien,	Walworth.
Calvin R. Johnson,	do	Black River Falls,	Jackson.
O. F. Jones,	do	Juneau,	Dodge.
David Knab,	do	Milwaukee,	Milwaukee.
George Kreiss,	do	Appleton,	Outagamie.
W. L. Lincoln,	do	Avoca,	Iowa.
Francis Little,	do	Mineral Point,	Iowa.
Mark Martin,	do	Onion River,	Sheboygan.
Nicolaus Marz,	do	Wayne,	Washington.
James McElroy,	do	Waupun,	Fond du Lac.
Edward McGarry,	do	Milwaukee,	Milwaukee.
W. W. McLaughlin,	do	Oregon,	Dane.
Thomas McLean,	do	Stockbridge,	Calumet.
E. W. McNitt,	do	Otsego,	Columbia.
W. H. Miller,	do	Door Creek,	Dane.
Hermann Naber,	do	Shawano,	Shawano.
J. C. U. Niedermann,	do	Milwaukee,	Milwaukee.
Geo. C. Northrop,	do	Racine,	Racine.
Wm. H. Officer,	do	Springville,	Vernon.
A. K. Osborn,	do	Iola,	Waupaca.
John Phillips,	do	Stevens Point,	Portage.
Thaddeus C. Pound,	do	Chippewa Falls,	Chippewa.
Joseph Powers,	do	Hebron,	Jefferson.
C. E. Rice,	do	Sparta,	Monroe.
Hamilton Richardson,	do	Janesville,	Rock.
Bartholomew Ringle,	do	Wausau,	Marathon.
Hanmer Robbins,	do	Platteville,	Grant.
F. B. Rolph,	do	Monroe,	Green.
Anson Rood,	do	Kilbourn City,	Columbia.
D. C. Roundy,	do	Geneva,	Walworth.
Richard C. Russell,	do	Oshkosh,	Winnebago.
Alden S. Sanborn,	do	Mazomanie,	Dane.
Martin Schottler,	do	Staatsville,	Washington.
Norman Shultis,	do	North Prairie,	Waukesha.
A. B. Smith,	do	Lake Mills,	Jefferson.
Daniel Smith,	do	Richmond,	Walworth.
Geo. B. Smith,	do	Madison,	Dane.
John Smith,	do	Muskego Center,	Waukesha.

Name.	Office.	Residence.	
		Postoffice.	*County.*
David Smoke,	Member of assembly,	Two Rivers,	Manitowoc.
A. W. Starks,	do	Baraboo,	Sauk.
William Starr,	do	Ripon,	Fond du Lac.
Henry Stevens,	do	Caledonia Center,	Racine.
Allen Taylor,	do	Dickeyville,	Grant.
Thomas Thornton,	do	Clark's Mills,	Manitowoc.
A. J. Turner,	do	Portage,	Columbia.
John Walworth,	do	Richland Center,	Richland.
James Watts,	do	Granville,	Milwaukee.
Wm. C. Webb,	do	Wautoma,	Waushara.
Guy Wheeler,	do	Janesville,	Rock.
Alonzo Wilcox,	do	Spring Green,	Sauk.
Edgar Wilcox,	do	Byron,	Fond du Lac.
Michael Winter,	do	Adell,	Sheboygan.
Louis Wolf,	do	Sheboygan Falls,	Sheboygan.
George Wright,	do	Mount Horeb,	Dane.
F. T. Zetteler,	do	Milwaukee,	Milwaukee.
Carl Zillier,	do	Sheboygan,	Sheboygan.
Wyman Spooner,	Lt. gov. and pres't sen.	Elkhorn,	Walworth.
William W. Field,	Speaker of assembly,	Fennimore,	Grant.
Frank M. Stewart,	Chief clerk of senate,	Baraboo,	Sauk.
Henry H. Taylor,	Ass't clerk senate,	Oxford,	Marquette.
John S. Dean,	Chief clerk assembly,	Madison,	Dane.
E. W. Young,	Ass't clerk assembly,	Prairie du Sac,	Sauk.

NOTE.—Where a superfluous word has been found in the enrolled bill, it has been printed in the text, but in italics, and inclosed in parenthsis, (*thus.*) Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [thus.]

GENERAL LAWS.

CHAPTER 1.

[*Published January* 25, 1864.]

AN ACT to legalize the proceedings of a special town meeting in the town of Portland, Dodge county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The proceedings of a special town meeting in and for the town of Portland, in the county of Dodge, at which a bounty of two hundred dollars was voted to volunteers to the military service, held on the 14th day of January, A. D. 1864, are hereby legalized and declared valid to all intents and purposes. Proceedings legalized.

SECTION 2. This act shall be in force from and after its publication.

Approved January 22, 1864.

CHAPTER 2.

[*Published January* 25, 1864.]

AN ACT to authorize the levy and collection of a special tax in the town of Black Earth, in the county of Dane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The clerk of the town of Black Earth, in the county of Dane, is hereby authorized and required forthwith to make out and levy upon the taxable property of said town, the amount of tax voted by the electors thereof, on the fourth day of January, 1864, for the purpose of paying extra bounties to volunteers, Levy of bounty tax authorized.

and attach his warrant thereto, in the same manner as provided by law for the collection of taxes, and deliver the same to the treasurer of said town.

Duty of treasurer—his fees for collecting.

SECTION 2. Upon receiving said list of taxes, it shall be the duty of said treasurer to give notice thereof, as required by law for the collection of taxes; and he shall attend at his office or place designated in such notice, six days, to receive such taxes; and he shall be entitled to receive one per cent. upon all such sums as may be paid during said six days.

Unpaid taxes.

SECTION 3. At the expiration of the aforesaid six days, the treasurer shall proceed to collect taxes then remaining unpaid, in the same manner as prescribed by law for the collection of other taxes, and shall add all such delinquent taxes to the delinquent taxes for state, county and town purposes, for the year 1863, and return the same as the law requires.

Ibid.

SECTION 4. Should there be any of such taxes which cannot be collected by the said treasurer, where the state, county and town taxes have been previously paid upon the same property, the same shall be returned in the same manner as other taxes.

SECTION 5. This law shall take effect and be in force from and after its passage.

Approved January 22, 1864.

CHAPTER 3.

[*Published January* 30, 1864.]

AN ACT to extend the time for the collection of taxes in the town of Eau Plaine, in the county of Portage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to March 15.

SECTION 1. The time for the collection of taxes of 1863, in the town of Eau Plaine, in the county of Portage, and for making return thereof to the treasurer of said county, is hereby extended until the 15th day of March, A. D. 1864; and the treasurer of the said town shall have the same right to levy on property and sell the same within the time so extended, as is now allowed by law for such purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 28, 1864.

CHAPTER 4.

[*Published January* 30, 1864.]

AN ACT to legalize the proceedings prior to and of a certain special town meeting, held in the town of Adams, in the county of Green, and the tax voted and levied at said special town meeting.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the proceedings and acts had and held prior to and at a certain special town meeting held in the town of Adams, county of Green, on the nineteenth day of December, A. D. 1863, and the tax voted and levied for bounties to volunteers who should enlist from said town, are hereby declared to be legal and valid for all purposes whatever, notwithstanding any defect, omissions or insufficiencies in calling, holding or conducting said town meeting. Proceedings legalized.

SECTION 2. The tax voted and levied upon the taxable property of the town of Adams, in county of Green, for the purpose of paying bounties to volunteers, at a special town meeting held in and for said town of Adams, in the county of Green, on the nineteenth day of December, A. D. 1863, is hereby legalized and declared to be legal and valid. Bounty tax legalized.

SECTION 3. This act shall be in force from and after its passage.

Approved January 28, 1864.

CHAPTER 5.

[*Published January 30, 1864.*]

AN ACT to legalize the town meeting of the town of Whitewater, in the county of Walworth, held January 13th, in the year 1864, and to authorize the supervisors of said town to dispose of surplus money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town meeting legalized.

SECTION 1. The town meeting held in the town of Whitewater, in the county of Walworth, on the thirteenth day of January, one thousand eight hundred and sixty-four, for the purpose of raising money by special tax to pay extra bounties to volunteers in the military service of the United States, is hereby declared legal and valid to all intents and purposes for which the same was held, the same as if all the provisions of the law then in force relative to holding town meetings, had been strictly complied with.

Disbursement of moneys raised.

SECTION 2. The supervisors of said town are hereby authorized and required to disburse the moneys raised in pursuance of the vote of said town meeting, in such manner and in such sums as they may deem advisable, for the purpose of filling, by the enlistment of volunteers, the quota of said town under the last call of the president of the United States, (made October seventeenth, one thousand eight hundred and sixty-three,) for 300,000 men.

Transfer of unexpended money.

SECTION 3. The supervisors of said town are hereby authorized to transfer to the fund of said town for the support of families of volunteers, all money raised in pursuance of the vote of said town meeting, remaining unexpended, whenever the quota of said town, under the aforesaid call of the president of the United States, shall have been furnished.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved January 28, 1864.

CHAPTER 6.

[*Published January 30, 1864.*]

AN ACT to legalize the proceedings of certain town meetings held in the towns of Medina and Dunn, in the county of Dane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the proceedings of the electors had in the town meeting of the town of Dunn, Dane county, held on the 15th day of January, A. D. 1864, and all the proceedings of the town meeting held in the town of Medina, Dane county, (*held*) on the 28th day of December, A. D. 1863, are hereby legalized, and the tax levied at each of the said meetings, for the purpose of paying bounties to volunteers in the military service of the United States, declared valid for all intents and purposes, the same as if all the forms and provisions of laws then and now in force in this state, relating to calling and conducting special town meetings for the purpose of levying taxes for the payment of bounties to volunteers, had been fully observed and complied with. Proceedings and tax legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 28, 1864.

CHAPTER 7.

[*Published February 1, 1864.*]

AN ACT to authorize the levy and collection of a special town tax in the town of West Point, in the county of Columbia, and to legalize an election held in said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The clerk of the town of West Point, in the county of Columbia, is hereby authorized and required forthwith to make out and levy upon the taxable property of said town, the amount of tax voted by the electors thereof, on the second day of January, A. Tax authorized.

D. 1864, for the purpose of paying extra bounties to volunteers, and attach his warrant thereto, in the same manner as provided by law for the collection of taxes, and deliver the same to the treasurer of said town.

Duty of treasurer—his fees.

SECTION 2. Upon receiving said list of taxes, it shall be the duty of said treasurer to give notice thereof, as required by law for the collection of taxes, and he shall attend at his office or place designated in such notice, six days, to receive said taxes, with two per cent. added for treasurer's fees.

Unpaid taxes.

SECTION 3. At the expiration of the aforesaid six days, the treasurer shall proceed to collect taxes then remaining unpaid, in the same manner as prescribed by law for the collection of other taxes, and shall add all such delinquent taxes to the delinquent taxes for state, county and town purposes, for the year 1863, and return the same as the law requires.

Ibid.

SECTION 4. Should there be any of such taxes which cannot be collected by the said treasurer, where the state, county and town taxes have been previously paid upon the same property, the same shall be returned in the same manner as other taxes.

Proceedings legalized.

SECTION 5. The proceedings of the electors of the town of West Point, at the election held on the second day of January, 1864, are hereby legalized and declared to be valid, notwithstanding the law may not have been in all respects fully complied with.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved January 30, 1864.

CHAPTER 8.

[*Published February 4, 1864.*]

AN ACT to legalize the proceedings of a certain town meeting of the town of Leeds, in the county of Columbia, and to authorize the board of supervisors to levy and collect a tax.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town meeting legalized.

SECTION 1. The town meeting held in the town of Leeds, in the county of Columbia, on the 23d day of January, 1864, for the purpose of raising money to

pay a bounty to volunteers to fill the quota of said town, is hereby declared valid and legal to all intents and purposes, the same as if all the provisions of law then in force had been strictly complied with.

SECTION 2. The supervisors of said town are hereby authorized and required to levy, and the town treasurer of said town to collect, a tax sufficient to pay the town orders authorized to be issued by said town meeting. Levy and collection of tax.

SECTION 3. The supervisors of said town are hereby authorized to levy said tax on the assessment roll of said town for the year 1863 or 1864. Any taxes which shall remain unpaid, shall be returned to the county treasurer at the same time and in the same manner that other unpaid taxes are returned. Unpaid taxes.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 2, 1864.

CHAPTER 9.

[*Published February* 3, 1864.]

AN ACT to legalize a special town meeting of the town of Mazomanie, in the county of Dane, held on the first day of January, 1864, and the acts and proceedings of the supervisors of said town in pursuance thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The special town meeting of the town of Mazomanie, in the county of Dane, held on the first day of January, A. D. 1864, for the purpose of voting to raise, by tax, extra bounties to be paid to volunteers into the military service of this state or of the United States, and all the votes, acts and resolves of said meeting concerning the offering, pledging and voting to raise such bounty money, are hereby declared legal, valid and binding in the law, the same and as fully as if the said meeting had been notified and conducted, in all respects, in accordance with the provisions of law then in force relating to that subject. Town meeting legalized.

Proceedings of supervisors legalized.

SECTION 2. All the official acts of the supervisors of the said town of Maxomanie, done and performed in pursuance of the vote of the electors of said town to raise the sum of two thousand eight hundred dollars, to pay such extra bounty to volunteers, are also hereby declared valid and binding in the law; and all town orders signed by the chairman of the board of supervisors of said town, and countersigned by the town clerk of said town, payable out of the volunteer bounty fund of said town, are hereby declared valid and binding in the law, the same as if the law had been strictly complied with in auditing the claims for which they were issued, and in issuing the same.

Town orders.

When tax to be collected.

SECTION 3. The tax voted by the electors of said town on the said first day of January, 1864, for the purpose of paying extra bounties to volunteers as aforesaid, shall be collected at the same time the town taxes of said town shall next hereafter be collected, and in the same manner.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 2, 1864.

CHAPTER 10.

[*Published February 5, 1864.*]

AN ACT to legalize the acts of a certain town meeting held on the 19th day of January, A. D. 1864, in the town of Westfield, Sauk county, Wisconsin, and the tax voted at such meeting.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town meeting legalized.

SECTION 1. The town meeting held in the town of Westfield, in the county of Sauk, in this state, on the nineteenth day of January, A. D. 1864, for the purpose of raising money, by special tax, to pay town bounties to volunteers for the military service of the United States, is hereby declared legal and valid to all intents and purposes for which the same was held; and said tax shall be levied and collected with other town taxes for the year one thousand eight hundred and sixty-four.

When tax to be collected.

SECTION 2. Either of the supervisors of said town and the town clerk of said town, may sign any and all papers, instruments in writing and certificates which shall or may be necessary in order to carry into effect the purposes for which said town meeting was held; and such papers, instruments in writing and certificates, so signed, shall be valid and binding on said town, to all intents and purposes. Execution of certificates, &c.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 2, 1864.

CHAPTER 11.

[*Published February 5, 1864.*]

AN ACT to provide for the purchase of two hundred copies of Webster's unabridged dictionary.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The state superintendent of public instruction, with the consent and approval of the governor, is hereby authorized to purchase on behalf of the state, two hundred copies of Webster's unabridged dictionary of the English language, to supply the deficient school districts of the state: *provided*, the cost shall not exceed four dollars and fifty cents per copy. Superintendent to purchase. Price.

SECTION 2. Such dictionaries, when purchased, shall be distributed by the state superintendent on the receipt of the affidavit, in due form, (which shall be kept in his office,) of any town or district clerk, or city superintendent of schools, that such town, district or city, or any public school or department in the public schools thereof, has not been supplied by the state with a copy of said dictionary; and he shall send, at the expense of the district receiving the same, one dictionary for each unsupplied public school or department thereof. How to be distributed.

SECTION 3. Each such dictionary, when received, shall belong to the library of the district, and shall be subject to the same laws and regulations as other libra- Shall belong to library, &c.

in the district, it shall be and remain in the school room for the use of the teacher and pupils of such school; and the teacher shall be responsible to the district for its loss, or for any unnecessary damage it may receive.

Appropriation.

SECTION 4. There is hereby appropriated out of the income of the school fund, a sum of money sufficient to pay for the dictionaries provided for in this bill; and the state superintendent of public instruction shall certify to the state treasurer the amount of such expenditure.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 2, 1864.

CHAPTER 12.

[*Published February 27, 1864.*]

AN ACT to extend the time for the collection of taxes in the several towns in the county of Dane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to March 20.

SECTION 1. The time for the collection of the state, county and town taxes for the year 1863, in the several towns in Dane county, is hereby extended until the 20th day of March, 1864; and the town treasurers of the several towns in said Dane county, shall have the same rights to proceed to collect all the unpaid taxes upon the tax rolls in their hands, in all respects, in the same manner as they would have been authorized to do had the time of their original warrants to collect the same not expired: *provided*, that nothing in this act shall be construed to extend the time for the payment to the county treasurer of the state tax, as now required by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 25, 1864.

CHAPTER 13.

[*Published February* 5, 1864.]

AN ACT to empower the county of Milwaukee to raise money for the payment of bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county board of supervisors of the county of Milwaukee, is hereby authorized to issue the bonds of said county of Milwaukee to an amount not exceeding one hundred thousand dollars, bearing interest at the rate of seven per cent. per annum, and payable in the city of New York, not less than five years nor more than twenty years from their date, to raise money to pay bounties to volunteers enlisted and mustered into the military service of the United States, in and for the county of Milwaukee. Issue of bonds authorized.

SECTION 2. The bonds issued under and by virtue of this act, shall be signed by the chairman and countersigned by the clerk of the said board of supervisors, and shall be under the corporate seal of said county, and shall be in sums to be fixed by said board of supervisors, with interest coupons payable semi-annually thereon, at such time or times and place in the city of New York as said board of supervisors may determine; and said bonds, when signed, countersigned and sealed as aforesaid, shall be in the hands of a *bona fide* holder of the same, full and complete evidence, both in law and equity, to establish the indebtedness of said county of Milwaukee, according to the tenor and effect of said bonds. How signed, amounts, interest coupons, &c. Shall be evidence of indebtedness against county.

SECTION 3. The county board of supervisors of said county of Milwaukee, at any legal meeting thereof, may direct, by resolution, their chairman to sign and the clerk to countersign the whole amount of bonds authorized to be issued by this act, or such part thereof as said board may from time to time determine; and it shall be the duty of the county treasurer of said county of Milwaukee, under the supervision of said board of supervisors, to negotiate the bonds so to be issued, and to place the proceeds thereof, as soon as received by him, in the treasury of the said county of Milwaukee; and the treasurer, before he shall receive said bonds for any purpose whatsoever, shall exe- Negotiation of bonds. Treasurer to execute bonds.

cute to the county board of supervisors of said county, a bond with three or more sufficient sureties, in the penal sum of double the amount of the bonds so to be received by him, conditioned for the faithful performance of all the duties imposed upon him by this act, or by any order or resolution of the county board of supervisors of said county, which may be passed by virtue of the powers conferred upon said board by this act, which said bond shall be approved by the county board of supervisors of said county, and filed in the office of the clerk of said board of supervisors.

Levy of tax for interest and principal authorized.

SECTION 4. It shall be the duty of said board of supervisors to provide for the payment of the interest and the ultimate payment of the principal of any and all county bonds which shall be issued under and by virtue of this act; and for that purpose said board of supervisors is authorized, empowered and required to annually levy a tax upon all the taxable property of said county, sufficient to pay the interest on said bonds, in the same manner as other taxes are levied and collected by law; and in the year next preceding any year when any or all of said bonds shall become due, the county board of supervisors of said county of Milwaukee shall levy a tax, as provided in this section, sufficient to pay said bonds so to become due.

Bonds to be numbered and registered.

SECTION 5. The clerk of the board of supervisors shall number said bonds, and cause the same to be registered in the office of the treasurer of said county of Milwaukee, in a book to be provided for that purpose.

How moneys to be applied.

SECTION 6. The moneys received and paid into the county treasury of Milwaukee county, under and by virtue of this act, shall for one year from and after the publication of the same, be exclusively applied to the payment of bounties to volunteers mustered into the military service of the United States, and credited to the quota of soldiers required by the United States of the said county of Milwaukee, at a rate not exceeding one hundred dollars for each such volunteer, and for the payment of expenses incident to and necessary to carry this act into effect; and any and all such moneys remaining in the said county treasury one year after the publication of this act, shall be used as other moneys collected by tax for county purposes.

Prohibition.

SECTION 7. While any of the bonds issued under this act remain unpaid, the board of supervisors or other officers acting for the county of Milwaukee, shall

have no authority or power to borrow money on bonds or other evidences of debt, unless the money so raised is to be expended on county buildings.

SECTION 8. All legislative and administrative power necessary to carry this act into full force and effect, is hereby conferred upon the county board of supervisors of Milwaukee county. Power conferred.

Approved February 2, 1864.

CHAPTER 14.

[*Published February* 4, 1864.]

AN ACT to authorize the town of Oxford, in the county of Marquette, to vote a tax for bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. A town meeting shall be held in and for the town of Oxford, in the county of Marquette, at the place of holding town meetings therein, on the thirteenth day of February, 1864, commencing at ten o'clock A. M., for the purpose of voting bounties to volunteers who have enlisted or who may hereafter enlist, to fill the quota of such town in the draft last ordered by the general government. Town meeting authorized.

SECTION 2. The qualified electors of such town, when assembled in pursuance of this act, may vote such bounties as they may deem proper, not exceeding one hundred and fifty dollars each, to such persons as have enlisted or who may hereafter enlist in pursuance of section one of this act, and may vote to raise by tax a sum of money sufficient to pay such bounties and interest thereon, at the rate of seven per cent. per annum, which tax shall be included in the next annual tax roll of such town, in a separate column, and be collected in the same manner as other town taxes are collected by law, and be paid out of the town treasury on the orders hereinafter mentioned. May vote bounties to volunteers, and tax to pay the same. How tax collected, &c.

SECTION 3. The town board of supervisors shall draw orders on the treasurer of the town in favor of each person so enlisting, to the amount of the bounty voted at such town meeting, which orders shall draw Orders on treasurer.

interest at the rate of seven per cent. per annum from their date until their payment, and shall be delivered to such votunteer whenever he shall be accepted by the government, and duly credited to such town.

Notice of meeting.

SECTION 4. Notices of the time, place and objects of such town meeting shall be posted up by the town clerk in four of the most public places in such town, at least six days previously to the time of holding the same.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 2, 1864.

CHAPTER 15.

[*Published February 5, 1864.*]

AN ACT to authorize the city of Beaver Dam to levy and collect a special tax to redeem certificates issued for bounty to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Special tax authorized.

SECTION 1. The common council of the city of Beaver Dam, in Dodge county, is hereby authorized to levy and collect a special tax, in addition to the amount authorized by the act incorporating said city, not exceeding four thousand dollars in amount; said tax to be levied and collected in the manner and at the time other taxes are levied and collected in said city.

How proceeds to be used.

SECTION 2. The proceeds of the tax authorized by the preceding section, shall be used to redeem the scrip issued by the mayor, and signed by the mayor and clerk of said city, under its corporate seal, in the month of January, one thousand eight hundred and sixty-four, in pursuance of an ordinance duly enacted by the common council of said city, on the twenty-ninth day of December, 1863, authorizing the issuing of said scrip, for the purpose of raising money to enable said city to offer and pay a bounty to volunteers under the (then) new levy of United States troops, to enable said city to fill and furnish its quota of troops under said levy, without resorting to a draft. The said tax shall

not be levied or the proceeds thereof used for any other purpose.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 2, 1864.

CHAPTER 16.

[*Published February* 5, 1864.]

AN ACT to authorize school district No. two, in the town of West Bend, in the county of Washington, to borrow money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. School district number two, (2,) in the town of West Bend, in the county of Washington, is hereby authorized to borrow such sum or sums of money, not exceeding two thousand and five hundred dollars, at a rate of interest not exceeding seven per cent. per annum, upon such terms and for such length of time as the board thereof may determine, and to renew such loan from time to time; and the officers are hereby authorized, in the name of said district, to make and execute any bond, pledge or security binding said district and the property thereof, that they may deem proper and advisable to secure the payment of such money borrowed and the interest thereon. Amount.

SECTION 2. Before any such loan as is provided for in this act, shall be effected, the amount of such loan shall be determined upon by a vote of the electors of said district, at an annual or special meeting thereof, and a special meeting for that purpose may be called in the manner now provided by law for calling special school district meetings. To be determined by vote.

SECTION 3. Should a loan be effected by the board of said district, under the provisions of this act, all the taxable property of said district at the time of making the loan, and all that may hereafter be added or annexed thereto, shall be holden for the faithful payment of the interest and principal of the money loaned; and it shall be the duty of the clerk of said district, in ad- All taxable property of district liable.

vote of said district, a tax sufficient to pay the interest or principal due, according to the conditions of said loan.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 2, 1864.

CHAPTER 17.

[*Published February* 5, 1864.]

AN ACT to authorize the city of Watertown to issue city orders and levy a tax to take up the same, to pay bounties to valunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Council authorized to issue orders, and levy tax to pay same.

SECTION 1. The common council of the city of Watertown are hereby authorized to issue city orders, bearing interest, or with interest added in, in amount equal to the bounties pledged to volunteers by a resolution of said common council, passed January 8, 1864; and said common council are hereby authorized to lexy a tax upon all the taxable property of the first and second wards of said city, upon all the taxable property of the third, fourth and seventh wards of said city, and upon all the taxable property of the fifth and sixth wards of said city, sufficient to take up said orders.

How tax to be apportioned.

SECTION 2. Such tax shall be apportioned to the first and second wards, the third, fourth and seventh wards, and to the fifth and sixth wards, according to the number of volunteers enlisted and mustered into the service from and credited to them, respectively, upon the draft last heretofore ordered, not exceeding their respective quotas, allowing a bounty of one hundred dollars to each volunteer.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 5, 1864.

CHAPTER 18.

[*Published February 8, 1864.*]

AN ACT to authorize the town of Watertown, in the county of Jefferson, to levy and collect a special tax to pay the bounty to volunteers, voted by the electors of said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town clerk authorized to apportion tax.

SECTION 1. The town clerk of the town of Watertown, in the county of Jefferson, is hereby authorized and empowered to apportion and carry out upon the corrected assessment roll of said town for the year 1863, a tax for such sum (not exceeding the amount voted to be raised at the special town meeting held for that purpose in said town, on Monday, the 1st day of February, 1864,) as shall be determined upon by the town board of said town, to be paid as bounties to volunteers to fill the quota of said town under the existing calls of the president.

Other duties of clerk.

SECTION 2. The town clerk of said town shall procure from the clerk of the board of supervisors of Jefferson county, a true copy of the assessment roll for the year 1863, of all the taxable property assessed thereon, upon sections one, two, three, ten, eleven, twelve, thirteen, fourteen and fifteen, in township number eight, north of range number fourteen east, which sections are included within the sub-enrollment district of the town of Watertown, and shall annex the same to the assessment roll for 1863, of the town of Watertown; and the roll thus formedshall constitute the corrected assessment roll of the town of Watertown for the year 1863, upon which the tax provided for by this act shall be levied and collected.

Tax list and warrant.

SECTION 3. When the town clerk of said town shall have completed the tax list for said special tax, by apportioning and carrying out the sum directed by the town board of said town of Watertown, upon all the taxable property entered upon said corrected assessment roll, he shall annex thereto his warrant, in the form prescribed by law for the collection of town taxes, commanding the town treasurer of said town to collect the said taxes within thirty days from date thereof, and shall forthwith deliver the said tax list and warrant to said town treasurer.

Collection of taxes.

SECTION 4. Upon the receipt of said tax list and warrant, the treasurer of said town of Watertown shall proceed to collect the taxes apportioned thereon within the time commanded by said warrant; and for that purpose the said town treasurer is hereby vested with all the powers of, and shall pursue the same course prescribed by law, for town treasurers in the collection of town taxes, and shall pay out the moneys so collected by him, upon the orders of the supervisors of said town, issued for the purposes for which said tax was voted and collected.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 6, 1864.

CHAPTER 19.

[*Published February* 11, 1864.]

AN ACT to provide for a special tax in the village of Waterloo, and [to] legalize the meeting voting the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Special village election legalized

SECTION 1. The special village election held in the village of Waterloo, in the county of Jefferson, and state of Wisconsin, on the 25th day of December, 1863, for the purpose of voting to raise money, by a special tax upon the real and personal property of said village, to pay bounties to volunteers who had theretofore or who should thereafter enlist and be mustered into the military service of the United States, to the credit of the quota that had or should be assigned to the said village of Waterloo, under the then existing call of the president of the United States for three hundred thousand troops, is hereby declared legal, valid and binding upon the said village, notwithstanding any irregularities, errors, omissions or mistakes that may have occurred in the calling, notifying or holding of said election.

Levy and collection of tax.

SECTION 2. The board of trustees of said village of Waterloo, are hereby authorized and required, immediately after the passage and publication of this act, to

levy and collect a special tax of one thousand and fifty dollars upon the real and personal property of said village, as exhibited by the last assessment roll thereof, said tax to be levied and collected in the same manner that other taxes are now levied and collected in said village: *provided*, that the warrant annexed to the tax roll shall command [the] treasurer to collect the taxes mentioned in said roll within thirty days from the date thereof; *and provided, further*, that if any portion of said taxes cannot be collected, the said treasurer shall return the same to the county treasurer, and the county treasurer shall proceed in relation to the same, in all respects, as now provided by law in case of other delinquent taxes.

Application of tax.

SECTION 3. The proceeds of the tax authorized by the preceding section, shall be used to redeem the scrip issued by the president of said village, and attested by the clerk, pursuant to the vote of a majority of the electors of said village, and in pursuance of an order made by the board of trustees of said village, at a special meeting of said board called for that purpose, held January 2d, 1864: *provided*, that any surplus moneys that may remain in the hands of the treasurer of said village, after paying the scrip issued as aforesaid, shall be used in defraying such expenses incurred in securing the assignment of a separate quota to said village, and in filling said quota, as has been or may hereafter be audited and allowed by said village board of trustees.

Village may hereafter vote bounties to volunteers.

SECTION 4. The qualified electors of said village of Waterloo, shall have power at any annual or special meeting thereof, to raise by vote such sum or sums of money as they may deem necessary for the payment of bounty to volunteers who shall enlist and be mustered into the military service of the United States, under any call for troops that may hereafter be made by the president of the United States: *provided*, that no greater sum than two hundred dollars shall be paid to any person so enlisting, nor shall such bounty be paid to any greater number of volunteers under any one call than shall be necessary to fill the quota assigned to said village under said call.

How special elections for that purpose may be called.

SECTION 5. Upon filing with the clerk of said village the written request of at least five qualified electors of said village, requesting a special election to be called, as authorized by this act, and setting forth the quota that shall then be assigned to said village, and

proposing the amount of bounty to be paid to each volunteer, the said clerk shall immediately call a special election, and give notice thereof by posting up in at least three public places in said village, a written or printed notice of the time, (which shall not be less than five nor more than ten days from the date of said notices,) and place of holding said election, and the style of the ballot to be voted; at which time and place a poll shall be opened by the board of trustees, or any three of them, and said election when so opened, shall be conducted in the same manner and be governed by the same laws and regulations as are provided by the charter of said village in case of annual or other elections.

Levy and collection of tax.

SECTION 6. Whenever at any election held as provided for by this act, it shall appear that a majority of the votes cast is in favor of the tax proposed, the board of trustees shall proceed immediately to levy and collect the amount of tax so voted, in all respects the same as provided by section two of this act.

Act to be favorably construed.

SECTION 7. This act shall take effect and be in force on and after its passage and publication, and shall be favorably construed in all courts and places, anything in the charter of said village of Waterloo to the contrary notwithstanding.

Approved February 9, 1864.

CHAPTER 20.

[*Published February* 11, 1864.]

AN ACT in relation to the collection of subscriptions made to pay bounties to volunteers, and subscriptions to support families of volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers conferred on town treasurers.

SECTION 1. The same powers and duties which are conferred on town treasurers by chapter two hundred and ninety-five of the general laws of 1863, are hereby extended to treasurers of cities and incorporated villages.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 9, 1864.

CHAPTER 21.

[*Published February* 11, 1864.]

AN ACT to legalize all the proceedings of a special town meeting, for the purpose of raising bounty for volunteers, in the town of Theresa, Dodge county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the proceedings and acts had and held prior to and at a certain special town meeting or election held in the town of Theresa, county of Dodge, and state of Wisconsin, on the 5th day of January, A. D. 1864, and the tax voted to be levied for bounties to volunteers who should thereafter enlist and be credited to said town in the next ensuing draft, are hereby declared to be legal and valid for all purposes whatever, notwithstanding any defect, omissions or insufficiencies in the notices, time or manner of posting the same, or in holding and conducting said special town meeting or election. Special town meeting legalized

SECTION 2. The tax voted to be levied upon the taxable property of the town of Theresa, county of Dodge, and state of Wisconsin, for the purpose of paying bounties to volunteers, at a special town meeting held in and for said town of Theresa, in the county of Dodge, on the 5th day of January, A. D. 1864, is hereby legalized and declared to be legal and valid for all purposes. Tax legalized.

SECTION 3. This act shall be published immediately, and shall take effect and be in force from and after its passage and publication.

Approved February 9, 1864.

CHAPTER 22.

[*Published February* 11, 1864.]

AN ACT to legalize the town meeting of the town of Perry, in the county of Dane, held January 11th, 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Special town meeting, &c. legalized.

SECTION 1. The special town meeting of the town of Perry, in Dane county, held on the eleventh day of January, 1864, for the purpose of raising a special tax to pay extra bounties to volunteers into the military service of this state or the United States, is hereby declared legal and valid for all the intents and purposes for which the same was held; and all acts done in pursuance of the vote or votes of said meeting, by the officers of said town, or any of them, are hereby declared valid, the same as if the law had been fully complied with in notifying and conducting said meeting.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 9, 1864.

CHAPTER 23.

[*Published February* 11, 1864.]

AN ACT to legalize the acts of a certain town meeting held on the 16th day of January, A. D. 1864, in the town of Dodgeville, Iowa county, Wisconsin, and the tax voted at such meeting.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town meeting and tax legalized

SECTION 1. The town meeting held in the town of Dodgeville, Iowa county, Wisconsin, on the 16th day of January, A. D. 1864, for the purpose of raising money, by special tax, to pay town bounties to volunteers in the military service of the United States, is hereby declared legal and valid to all intents and purposes for which the same was held; and said tax shall be levied and collected with other town taxes for the year 1864, and in like manner: *provided*, that the board

of supervisors of said town may, by an order, specify any earlier date for the collection of such tax, and direct such collection to be made in the same manner as other taxes.

SECTION 2. Either of the town supervisors of said town and the town clerk thereof, may sign and issue any and all papers, instruments in writing, certificates or orders which shall or may be necessary or expedient in order to carry into effect the purposes for which said town meeting was held, and the same shall be valid and binding on said town. Who may sign orders.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 9, 1864.

CHAPTER 24.

[*Published February* 12, 1864.]

AN ACT to legalize the acts of a certain town meeting held on the 9th day of January, A. D. 1864, in the town of Highland, Iowa county, Wisconsin, and the tax voted at such meeting.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town meeting held in the town of Highland, Iowa county, Wisconsin, on the ninth day of January, A. D. 1864, for the purpose of raising money, by special tax, to pay town bounties to volunteers in the military service of the United States, is hereby declared legal and valid to all intents and purposes for which the same was held; and said tax shall be levied and collected with other town taxes for the year 1864, and in the like manner: *provided*, that the board of supervisors of said town may, by an order, specify an earlier date for the collection of such tax, and direct such collection to be made in the same manner as other taxes. Town meeting and tax legalized

SECTION 2. Either of the town supervisors of said town and the town clerk thereof, may sign and issue any and all papers, instruments in writing, certificates or orders which shall or may be necessary or expedient in order to carry into effect the purposes for which Who may sign orders.

said town meeting was held, and the same shall be valid and binding on said town.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 9, 1864.

CHAPTER 25.

[*Published February* 11, 1864.]

AN ACT to legalize the acts of a certain town meeting held the 6th day of January A. D. 1864, in the town of Linden, Iowa county, Wisconsin, and the tax voted at such meeting.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town meeting and tax legalized

SECTION 1. The town meeting held in the town of Linden, Iowa county, Wisconsin, on the 6th day of January, A. D. 1864, for the purpose of raising money, by special tax, to pay town bounties to volunteers in the military service of the United States, is hereby declared legal and valid to all intents and purposes for which the same was held; and said tax shall be levied and collected with other town taxes for the year 1864, and in like manner: *provided*, that the board of supervisors of said town may, by an order, specify any earlier date for the collection of such tax, and direct said collection to be made in the same manner as other taxes.

Who may sign orders.

SECTION 2. Either of the town supervisors of said town and the town clerk thereof, may sign and issue any and all papers, instruments in writing, certificates or orders which shall or may be necessary or expedient in order to carry into effect the purposes for which said town meeting was held, and the same shall be valid and binding on said town.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 9, 1864.

CHAPTER 26.

[*Published February* 12, 1864.]

AN ACT to authorize the supervisors of the town of York, Dane county, to expend the money voted to be raised by tax, at a special town meeting held by the electors of said town, on the 5th day of January, A. D. 1864, and to direct the collection of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town clerk of the town of York, Dane county, is hereby authorized and directed to make duplicate copies of the assessment roll of said town for the year 1863, and upon the valuations of real and personal property therein contained, to carry out such an amount of tax as shall be certified to him by the supervisors of said town as necessary to pay bounties to volunteers who may enlist and become credited to such town upon its quota under the last call of the president for volunteers for the military service of the United States: *provided*, that such amount so certified to the town clerk shall not exceed the amount voted to be raised by said electors for bounties to volunteers, on the 5th day of January, 1864. Tax to pay bounties.

SECTION 2. Whenever the town clerk shall have carried out the tax as provided in the preceding section, he shall deliver one of the said rolls, together with his warrant upon the treasurer of said town of York, commanding him to collect the tax therein contained, into the hands of said treasurer, who shall immediately proceed to collect the same, and for that purpose shall have all the power to collect such tax that town treasurers now have to collect other taxes, and he shall proceed in like manner, except that no notice need be given of the time when such taxes may be paid. Collection of same.

SECTION 3. All taxes which remain unpaid and cannot be collected by the said town treasurer on the 20th day of March, A. D. 1864, shall be returned to the county treasurer on that day as delinquent taxes, and shall be received and treated by him as other delinquent taxes, together with the roll containing the tax, and the duplicate copy of said roll shall be retained in the office of the said town clerk of the town of York. Unpaid taxes.

SECTION 4. The moneys authorized to be collected by this act, shall be paid out upon the order of the How moneys to be paid out.

chairman of said town of York, upon accounts for volunteers' bounties and the incidental expenses connected therewith, audited and allowed by the board of supervisors of said town, in the same manner as other accounts are now by law audited and allowed.

SECTION 5. This act shall take effect from and after its passage.

Approved February 9, 1864.

CHAPTER 27.

[*Published February* 12, 1864.]

AN ACT to amend chapter one hundred and one of the general laws of 1863, entitled "an act to provide for the application of the five per cent. collection fees on delinquent taxes, in the counties of Calumet and Wood."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Five per cent. fees to be paid to town treasurers

SECTION 1. Section one of chapter one hundred and one of the general laws of 1863, entitled "an act to provide for the application of the five per cent. collection fees on delinquent taxes, in the counties of Calumet and Wood," is hereby amended, so as to read as follows: "The five per cent. collection fees on taxes returned as delinquent in the county of Calumet, pursuant to section ninety-five of chapter eighteen of the revised statutes, for the years 1860, 1861 and 1862, and all such collection fees as may hereafter be returned as delinquent to the county treasurer of said county of Calumet, pursuant to said section ninety-five, for any year or years subsequently to 1862, are hereby declared to belong to the town treasurer making return thereof; and the county treasurer of said county is hereby authorized and required to pay to each of the town treasurers of the said county returning any such collection fees as aforesaid, the amount of such collection fees so returned by such town treasurer. The sums so paid, evidenced by the receipts of the town treasurer, shall be allowed to said county treasurer on settlement of his accounts with his county."

Not applicable.

SECTION 2. Section two of said chapter one hun-

dred and one is hereby amended, so as to read as follows: "Section ninety-seven of said chapter eighteen of the revised statutes, shall not apply to the county of Calumet."

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 9, 1864.

CHAPTER 28.

[*Published February* 18, 1864.]

AN ACT to legalize certain acts of the board of supervisors of the town of Wiota, in La Fayette county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Boundaries of school districts legalized.

SECTION 1. All the acts and doings of the board of supervisors of the town of Wiota, in the county of La Fayette, at a meeting held on the eleventh day of July, A. D. 1863, for the purpose of declaring and establishing the boundary lines of the several school districts in said town, are hereby legalized and confirmed, and shall have the same effect as though the conditions of law were in all respects complied with, in regard to calling and conducting said meeting.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 9, 1864.

CHAPTER 29.

[*Published February* 13, 1864.]

AN ACT to authorize the common council of the city of Janesville to borrow money and issue its bonds for the purpose therein mentioned.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Council may borrow money to pay bonds issued to R. R. U. V. R. R.

SECTION 1. The common council of the city of Janesville is hereby authorized to borrow a sum or sums of money, not exceeding in the aggregate twelve thousand dollars, in such manner as the common council shall designate, on the credit of the city, for the purpose of satisfying or settling, on such basis as the common council may assent to, certain claims against the city arising out of a pretended issue of its bonds to the Rock River Valley Union railroad company.

May issue bonds, &c.

SECTION 2. To secure the sum or sums of money by or pursuant to this act borrowed, the common council is hereby authorized to issue city bonds in the usual form for that purpose, of the denomination of five hundred dollars each, drawing seven per cent. per annum interest, to be paid semi-annually; the principal of said bonds payable not exceeding ten years from date thereof, and both principal and interest payable at such place as the common council may designate.

When payable.

Faith and credit of city pledged.

SECTION 3. The faith and credit of the city of Janesville are hereby and shall remain irrevocably pledged for the payment of the principal and interest of the bonds issued pursuant to this act; and the common council shall annually levy and cause to be collected a tax upon the taxable property of the city, sufficient to provide for the payment of the interest upon the said bonds as the same shall become due, and shall also levy and cause to be collected a tax upon the taxable property of the city, sufficient to provide for the payment of the amount of the principal of the said bonds, and the money so raised shall be faithfully applied to the purpose indicated in this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 9, 1864.

CHAPTER 30.

[*Published February* 13, 1864.]

AN ACT to extend the time for the collection of taxes in the town of Port Washington, in the county of Ozaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of taxes in the town of Port Washington, in the county of Ozaukee, levied for the year one thousand eight hundred and sixty-three, is hereby extended to the last Monday in March, one thousand eight hundred and sixty-four: *provided*, that nothing in this act shall be so construed as to prevent the treasurer of said town from collecting and paying over to the county treasurer of said county the state tax assessed for said town; *and provided*, that the time for the payment of said state tax is not extended or in any way affected by this act. Time extended to March 28.

SECTION 2. The town treasurer of said town shall have the same power and authority to proceed in the collection of the taxes mentioned in the assessment roll and warrant in sain towd, after as before such extension of the time for the collection thereof; and said town treasurer may make his return to the county treasurer of said county at any time before the said last Monday in March, A. D. 1864, anything in the said warrant to the contrary notwithstanding. Power of treasurer.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 9, 1864.

CHAPTER 31.

[*Published February* 15, 1864.]

AN ACT to change the time of holdihg the general terms of the circuit court in the counties of La Crosse, Buffalo and Vernon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That hereafter the general terms of the circuit court in and for the counties of La Crosse, Buf- General terms.

falo and Vernon, shall be held as follows: In the county of La Crosse, on the first Monday of April and the fourth Monday of September, in each year; in the county of Buffalo, on the second Monday of May and the second Monday of October, in each year; in the county of Vernon, on the fourth Monday of April and the second Monday of November, in each year.

La Crosse.

Buffalo.

Vernon.

Return of process, &c.

SECTION 2. All writs, process, services, continuances, recognizances and proceedings heretofore issued, made, taken or entered into, or which may be issued, made, entered into or commenced in or from said courts, or either of them, and all proceedings pending therein or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the times mentioned in this act for holding the said courts, respectively, in the said counties of La Crosse, Buffalo and Vernon.

Repeal.

SECTION 3. All acts and parts of acts, in so far as they contravene and are inconsistent with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 9, 1864.

CHAPTER 32.

[*Published February* 13, 1864.]

AN ACT relating to special terms of the circuit court in the sixth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Special terms.

SECTION 1. There shall be held in the county of La Crosse, in the sixth judicial circuit, on the second Tuesday of July, in each and every year hereafter, and in the county of Monroe, in said circuit, on the first Tuesday of January, in each and every year hereafter, by the judge of the circuit court of said sixth circuit, a special term of said court for the transaction of any and all business from any county in said circuit that may be done at a regular term of said court, except the trial of issues of fact by a jury.

SECTION 2. No notice of the holding of said special terms shall be required other than the passage and publication of this act. No other notice required.

SECTION 3. Section 2 of chapter 368 of the general laws of 1862, is hereby repealed. Repeal.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 9, 1864.

CHAPTER 33.

[*Published February* 15, 1864.]

AN ACT to authorize the town of Milford, in Jefferson county, to levy and collect a special tax to pay bounties to volunteers, and to define certain boundaries of said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town of Milford, in the county of Jefferson, is hereby authorized and empowered to levy and collect a tax for the purpose of paying bounties to volunteers: *provided*, the amount of such tax shall have been first specified by vote of a special town meeting held pursuant to law in said town for that purpose. Tax authorized.

SECTION 2. Sections one, two, three, ten, eleven, twelve, thirteen, fourteen and fifteen, of township number eight, north of range fourteen east, having been by chapter one hundred and seventy-one of the general laws of 1863, detached from said town, shall not be held to constitute a part of said town of Milford for any purpose whatever. Detached.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 10, 1864.

CHAPTER 34.

[*Published February* 12, 1864.]

AN ACT to authorize the holding of a special term of the circuit court in and for the tenth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Special term.

SECTION 1. There shall be held by the circuit judge of the tenth judicial circuit, a special term in and for said circuit, at the court house in the city of Appleton, in the county of Outagamie, on the fourth Tuesday in February, 1864, to commence at two o'clock on said day, for the transaction of all business pending in any and every county in said circuit that may be transacted thereat without the intervention of a jury; and all such business may be heard and disposed of at said special term with the same force and effect as it may now be heard and disposed of in the county in which the causes or matters are pending.

Business that may be disposed of.

No other notice required.

SECTION 2. No notice of the holding of said special term shall be required other than the passage and publication of this act.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved February 10, 1864.

CHAPTER 35.

[*Published February* 15, 1864.]

AN ACT to amend section two of chapter 153 of the private and local laws of 1857, entitled "an act to incorporate the village of Elkhorn."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Supervisors to be fence viewers.

SECTION 1. Section two of chapter one hundred and fifty-three of the private and local laws of 1857, entitled "an act to incorporate the village of Elkhorn," is hereby amended, by adding thereto, immediately fol-

following: "The supervisors of said village shall be severally fence viewers in said village, and shall do and perform all the duties of fence viewers in said village, required by law to be performed by fence viewers in their respective towns, and shall be liable to all the forfeitures and for all damages for and on account of any neglect to view any fence or to do and perform any duty required of fence viewers, as provided by law."

Approved February 10, 1864.

CHAPTER 36.

[*Published February* 15, 1864.]

AN ACT to provide for summoning and impanneling grand and petit jurors in the county of Door.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There shall be no grand or petit jury summoned or impanneled for the February term of the circuit court for the said county of Door, unless ordered by the judge of the tenth judicial circuit, and notice given by said judge to the clerk of the circuit court of said county of Door, at least twenty days before the commencement of said February term of court. When so ordered, a grand and petit jury shall be summoned and impanneled, as provided by law in other cases. No jury for Feb. term, unless ordered by judge.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 10, 1864.

CHAPTER 37.

[*Published February* 15, 1864.]

AN ACT to authorize Mary H. Robbins, a minor, to convey and devise real and personal property, and to transact other business, the same as she might lawfully do if of lawful age.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May hold and grant real estate &c.

SECTION 1. Mary H. Robbins, wife of Denslow Robbins, formerly Mary H. Hewitt, a minor, residing in the town of Marengo, McHenry county, state of Illinois, may hold, grant, bargain, sell, release, convey, devise and bequeath real and personal property situated and lying in the state of Wisconsin, and any right, title, interest and estate therein, and the rents, issues and profits thereof; may compromise and settle claims affecting the same, give and receive acquittances, and may transact any other business in connection therewith in like manner and with like force and effect as if she were of lawful age.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 10, 1864.

CHAPTER 38.

[*Published February* 14, 1864.]

AN ACT to legalize the tax roll of the town of Eden, Fond du Lac county, Wisconsin, for the year 1863.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The tax roll of the town of Eden, Fond du Lac county, state of Wisconsin, for the year 1863, as made by the town clerk of said town, is hereby legalized and declared to be valid for all purposes whatsoever, notwithstanding the law may not have been complied with in all respects, in making out and delivering the said roll to the treasurer of said town.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 10, 1864.

CHAPTER 39.

[*Published February* 12, 1864.]

AN ACT to authorize towns, cities and incorporated villages to raise money by tax for the payment of bounties to volunteers for the military service of the United States, and to provide for the levy and collection of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The qualified electors of each town, city or incorporated village in this state, shall have power, at any annual or special meeting thereof, to vote to raise by tax such sum or sums of money as they may deem necessary, to pay bounties to volunteers in the service of the United States, who may have enlisted or shall hereafter enlist and become credited to such town, city or village upon its quota under any call of the president of the United States, heretofore made or which may be hereafter made for volunteers for the military service of the United States, or for the purpose of giving aid to the families of volunteers or of drafted men mustered into the service of the United States or of this state: *provided*, that such bounty shall in no case exceed two hundred dollars to any one volunteering, except in such cases as the towns, city or villages have heretofore voted to raise a larger sum than the amount specified in this act for said purposes.

Towns, cities and villages authorized to pay bounties to volunteers

Limit to bounty.

SECTION 2. A special meeting may be held in any town, city or incorporated village of this state for the purpose or purposes mentioned in section one of this act, upon a written petition to the clerk thereof, signed by five or more qualified electors and freeholders of such town, city or incorporated village, which petition shall set forth the purpose of purposes for which such special meeting is asked by the petitioners, together with the amount of money sought to be appropriated or raised by tax at such meeting for each of said purposes; and it is hereby made the duty of every such clerk, upon presentation to him of such petition, to call a special meeting of the qualified electors of such town, city or village, to be held at the place where the last annual election in such town, city or village was held, by posting notices of the same in three or more public and conspicuous places in such town, city or village, stating the time when and the place where such meet-

Petition for special meeting.

Call for meeting—where to be held.

ing will be held, and the object of the same, together with the amount of each tax proposed to be voted thereat, which notice shall be so posted not less than five nor more than fifteen days previously to the time appointed for holding such special meeting: *provided*, that the electors assembled at any such special meeting, not less than twelve in number, may, before proceeding to vote on the question of raising any such tax, agree or determine upon a less sum to be voted for any such purpose than the amount named therefor in the petition aforesaid. Such meeting shall be opened and conducted by the proper officers authorized to act as inspectors and clerk thereof, and a correct and complete record of the proceedings of every such meeting shall be kept, in which shall be stated the amount of each tax voted thereat, and the purpose for which the same was voted; and such proceedings shall be signed or attested by the officers thereof, and filed and recorded in the office of the clerk of the proper town, city or village.

Less bounty may be agreed upon.

How meeting to be opened, conducted, &c.

Apportionment of tax.

SECTION 3. The town board of supervisors of every town, the common council of every city, and the board of trustees of every incorporated village in this state, in which the qualified electors thereof have, at any town, city or village meeting called for that purpose, voted a tax upon the taxable property of such town, city or incorporated village, for the purpose of paying bounties to volunteers for filling the quota or quotas of such town, city or village, or for the purpose of supporting families of volunteers or families of drafted men, or which may vote such tax for either of said purposes prior to the 25th day of February, 1864, are hereby authorized and empowered to make or cause to be made a copy of the last assessment roll or assessment rolls of real and personal property of their respective towns, cities or incorporated villages, and upon the valuation of said property to apportion and carry out in said rolls the said tax so voted for the purpose or purposes aforesaid, and cause a warrant for the collection of said tax to be annexed thereto, which warrant shall be made by the proper officer, and shall conform as near as practicable to the warrant prescribed by law for the collection of other taxes, commanding the town, city or village treasurer (as the case may be) to collect said tax prior to the *first day of April next;* and said roll and warrant annexed shall be forthwith delivered to the town, city or village treasurer to

Warrant for collection of tax.

whom the same is directed: *provided*, that in all cases where taxes have been levied for the purpose of paying bounties to volunteers, and entered upon the assessment roll for the year 1863, such action, whether had in pursuance of votes by the electors or otherwise, shall be deemed sufficient, and is hereby legalized and declarared valid, and no new copy of said roll need be made for the collection of such taxes. Previous taxes legalized.

SECTION 4. Said treasurer shall proceed forthwith to the collection of such tax, and for that purpose shall have all the power and authority vested in him by law for the collection of other taxes; but before he shall distrain the property of any person, he shall give such person or his agent or representative, if to be found in his town, city or village, at least three days' notice, by making demand of the tax so as aforesaid imposed on such person; and such treasurer shall be entitled to receive and collect the same fees as for collecting other taxes. Collection of tax.

SECTION 5. The taxes so collected by said treasurer, and the moneys received by him from the county treasurer, as hereinafter provided, shall be paid out by him as authorized by the supervisors of his town, or the common council of his city, or board of trustees of his village, in pursuance of the direction of the meeting which voted the same, for the payment of bounties to volunteers, or to support families of volunteers or drafted men, or the redemption of scrip issued as bounties to volunteers, but for no other purpose. Disbursement of moneys arising from tax.

SECTION 6. If such treasurer shall be unable to collect any portion of the taxes so as aforesaid levied for all or either of the purposes hereinbefore mentioned, he shall make return of such delinquent taxes and of the lands on which the same were levied, on or before the second day of April, 1864, to the treasurer of his county. Such delinquent return shall be in the form and shall be verified in the manner prescribed by law for the return of other delinquent taxes. Return of delinquent taxes.

SECTION 7. Upon receiving such delinquent return, the country treasurer shall give the town, city or village credit for the amount thereof, and shall add the taxes previously returned to him, if any, against the same tract or tracts of land; and in relation to such taxes so added, and to the lands returned as aforesaid, against which there is no previous delinquent tax, the Collection of delinquent taxes.

manner as if said delinquent taxes had been included in the general tax roll and return for the year 1863.

Payment of delinquent taxes to towns, &c.

SECTION 8. The county treasurer shall, immediately after the tax sale held next after the return to him of said delinquent taxes, pay to the treasurer of the proper town, city or village the amount of the delinquent taxes so returned from such towns, cities and villages, respectively, to be applied as provided in section five of this act.

Taxes that may be inserted in assessment rolls of 1864.

SECTION 9. If any town, city or incorporated village shall at any meeting called for that purpose, and held subsequently to the 25th day of February, 1864, vote any tax to pay bounties to volunteers, or to support families of volunteers or drafted men, or if any such tax voted prior to the 25th day of February, 1864, shall not be collected as hereinbefore provided, such tax or taxes shall be inserted in the proper assessment roll or assessment rolls for the year 1864, and collected with other taxes contained in said rolls, and when so collected shall be paid out as hereinbefore mentioned, for the purposes for which the same was levied: *provided*, that if the meeting voting such tax shall have determined or shall hereafter determine (at the time of voting such tax) that the tax or taxes voted for any of the purposes aforesaid shall be collected in two or more different years, then such part thereof as shall have been so determined shall be inserted in the proper assessment roll or rolls for the year 1864, and the residue of said tax or taxes shall be inserted in the assessment rolls of the subsequent year, as determined as aforesaid.

Proviso.

Proceedings of previous meetings legalized.

SECTION 10. In each and every case where the qualified electors of any town, city or incorporated village, at a town, city or village meeting called or held with intent to comply with any law of this state, shall have heretofore voted or shall hereafter vote a tax upon such town, city or village for the purpose of paying bounties to volunteers theretofore enlisted or who shall thereafter enlist in the service of the United States, under a call of the president for volunteers, or for the purpose of aiding the families of such volunteers or drafted men, the proceedings of such meeting, and the tax or taxes so voted thereat, shall be as valid and legal to all intents and for all purposes as if the provisions of any such law had been all literally and strictly complied with, notwithstanding there may have

been errors, omissions or mistakes in giving the notice of such meeting, or in the time or place of holding, or in the manner of conducting the same: *provided*, that nothing herein contained shall be so construed as to legalize or validate any act or proceeding founded upon or growing out of actual fraud.

Penalty for neglect of duty.

SECTION 11. In case any town clerk, supervisor or other officer of any town, city or incorporated village, authorized or required by law to perform any duty or service, either in giving the notices of any meeting authorized by this act, or in conducting or holding any such meeting, or in issuing any warrant for the collection of the taxes voted at any such meeting, or in collecting such taxes, shall willfully refuse and neglect to perform the duty or service so required of him, for the purpose of preventing the holding of such meeting, the voting of a tax thereat, or the collection of any such tax when voted, each and every person so offending shall be deemed guilty of a misdemeanor, and shall be liable to be indicted and punished therefor, as provided by law in cases of misdemeanor.

Refusal of treasurers to pay over moneys, deemed embezzlement.

SECTION 12. Any town treasurer or other officer or person who shall have the lawful possession of any moneys voted or collected under the provisions of this act, in the discharge of any duty required of him by law in respect to such moneys, and who shall willfully refuse to pay the same over, when lawfully required so to do, or who shall pay or apply the same without lawful authority to his own use or to the use of any other person, shall be deemed guilty of the crime of embezzlement, and on conviction thereof shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail for not less than three months and not more than one year, in the discretion of the court.

Treasurers may be required to give additional bonds.

SECTION 13. The board of supervisors of every town, the common council of every city, and the trustees of every incorporated village in this state, in which the provisions of this act shall have been carried out by levying taxes to pay bounties to volunteers, or to aid in the support of families of volunteers or drafted men, are hereby authorized and empowered, in their discretion, to demand and require of the treasurer or officer charged with the collecting and disbursing of the moneys voted according to the provisions of this act, such additional bonds or security as shall appear just

and safe to such board of supervisors, common council or board of trustees.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved February 10, 1864.

CHAPTER 40.

[*Published February* 17, 1864.]

AN ACT to incorporate the Normal musical academy of the northwest.

See supplement to local laws.)

CHAPTER 41.

[*Published February* 16, 1864.]

AN ACT to incorporate the Green Bay transit company.

(*See supplement to local laws.*)

CHAPTER 42.

[*Published February* 15, 1864.]

AN ACT to empower the county of Milwaukee to raise money for the payment of bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to issue bonds to pay bounties to volunteers.

SECTION 1. The county board of supervisors of the county of Milwaukee is hereby authorized to issue the bonds of said county of Milwaukee to an amount not exceeding two hundred thousand dollars, bearing interest at the rate of seven per cent. per annum, and payable in the city of New York, not less than five years nor more than twenty years from their date, to raise

money to pay bounties to volunteers enlisted and mustered into the military service of the United States, in and for the county of Milwaukee.

How bonds to be signed, interest, &c.

SECTION 2. The bonds issued under and by virtue of this act shall be signed by the chairman and countersigned by the clerk of the said board of supervisors, and shall be under the corporate seal of said county, and shall be in sums to be fixed by said board of supervisors, with interest coupons payable semi-annually thereon, at such time or times and place in the city of New York as said board of supervisors may determine; and said bonds when signed, countersigned and sealed as aforesaid, shall be in the hands of a *bona fide* holder of the same, full and complete evidence, both in law and equity, to establish the indebtedness of said county of Milwaukee according to the tenor and effect of said bonds.

Shall be evidence of indebtedness, &c.

Direction for issue of bonds, and negotiation of same.

SECTION 3. The county board of supervisors of said county of Milwaukee, at any legal meeting thereof, may direct, by resolution, their chairman to sign and the clerk to countersign the whole amount of bonds authorized to be issued by this act, or such part therof as said board may from time to time determine; and it shall be the duty of the county treasurer of said county of Milwaukee, under the supervision of said board of supervisors, to negotiate the bonds so to be issued, and to place the proceeds thereof, as soon as received by him, in the treasury of said county of Milwaukee; and the treasurer, before he shall receive said bonds for any purpose whatsoever, shall execute to the county board of supervisors of said county, a bond with three or more sufficient sureties, in the penal sum of double the amount of the bonds so to be received by him, conditioned for the faithful performance of all the duties imposed upon him by this act, or by any order or resolution of the county board of supervisors of said county, which may be passed by virtue of the powers conferred upon said board by this act, which said bond shall be approved by the county board of supervisors of said county, and filed in the office of the clerk of said board of supervisors.

Treasurer to give new bonds.

Tax for payment of interest and principal.

SECTION 4. It shall be the duty of said board of supervisors to provide for the payment of the interest and the ultimate payment of the principal of any and all county bonds which shall be issued under and by virtue of this act; and for that purpose, said board of

supervisors is authorized, empowered and required to annually levy a tax upon all the taxable property of said county, sufficient to pay the interest on said bonds, in the same manner as other taxes are levied and collected by law; and in the year next preceding any year when any or all of said bonds shall become due, the county board of supervisors of said county of Milwaukee shall levy a tax, as provided in this section, sufficient to pay said bonds so to become due.

Bonds to be numbered.

SECTION 5. The clerk of the board of supervisors shall number said bonds and cause the same to be registered in the office of the treasurer of said county of Milwaukee, in a book to be provided for that purpose.

Application of moneys.

SECTION 6. The moneys received and paid into the county treasury of Milwaukee county, under and by virtue of this act, shall, for one year from and after the publication of the same, be exclusively applied to the payment of bounties to volunteers mustered into the military service of the United States, and credited to the quota of soldiers required by the United States of the said county of Milwaukee, at a rate not exceeding one hundred and thirty dollar for each such volunteer, and for the payment of expenses incident to and necessary to carry this act into effect; and any and all such moneys remaining in the said county treasury one year after the publication of this act, shall be used as other moneys collected by tax for county purposes.

Prohibition.

SECTION 7. While any of the bonds issued under this act remain unpaid, the board of supervisors or other officers acting for the county of Milwaukee, shall have no authority or power to borrow money on bonds or other evidences of debt, unless the money so raised is to be expended on buildings.

Power conferred.

SECTION 8. All legislative and administrative power necessary to carry this act into full force and effect, is hereby conferred upon the county board of supervisors of Milwaukee county.

Compensation of treasurer.

SECTION 9. The board of supervisors shall have power to regulate the compensation which shall be paid the county treasurer for all the duties he may perform under this act, but said compensation shall not exceed one thousand dollars.

Repeal.

SECTION 10. All acts and parts of acts contravening the provisions of this act, and all other acts authorizing the county of Milwaukee to issue bonds to pay bounties to volunteers, are hereby repealed.

SECTION 11. This act shall take effect from and after its passage.

Approved February 15, 1864.

CHAPTER 43.

[*Published February* 17, 1864.]

AN ACT to legalize and provide for the collection of a special town tax in the town of Springfield, in the county of Dane, voted and levied for the purpose of paying extra bounties to volunteers mustered into the military service of this state or of the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the acts of the supervisors, town clerk and town treasurer of the town of Springfield, in the county of Dane, in regard to levying, entering in the assessment roll and collecting the special town tax voted by the electors of the said town of Springfield, on the 12th day of January, 1864, for the purpose of paying extra bounties to volunteers mustered into the military service of this state or of the United States, are hereby declared legal and binding in law, and valid to all intents and purposes, the same as if the said tax had been entered in the assessment roll of said town before the same had been delivered to the treasurer of said town. Special tax legalized.

SECTION 2. The treasurer of said town of Springfield shall demand and collect whatever at this time remains of said special tax uncollected, as entered in the assessment roll of said town, in the same manner and with the like powers as other taxes are demanded and collected; and if any of said tax shall remain unpaid at the time he is required by law to make his return of delinquent taxes, he shall return a statement of the amount so unpaid to the county treasurer, in the same manner as other delinquent taxes are required by law to be returned. Collection of balance of tax.

SECTION 3. If any of said tax shall be returned to the county treasurer as delinquent, it shall thereafter Returned taxes.

be subject to all the provisions of law now in force in regard to unpaid taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 15, 1864.

CHAPTER 44.

[*Published February* 17, 1864.]

AN ACT to repeal chapter two hundred and thirteen of the general laws passed in the year 1862, entitled "an act to prohibit certain kinds of fishing in the county of Door, in this state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Chapter two hundred and thirteen of the general laws passed at the annual session in the year 1862, entitled "an act to prohibit certain kinds of fishing in the county of Door, in this state," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 15, 1864.

CHAPTER 45.

[*Published February* 17, 1864.]

AN ACT to amend chapter one hundred and fifty-eight of the revised statutes, entitled "of the writ of habeas corpus."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In case of imprisoned persons

SECTION 1. All applications for a writ of habeas corpus, or for a warrant, pursuant to chapter one hundred and fifty-eight of the revised statutes, by or in behalf of any person who now is or hereafter may be confined or sentenced to imprisonment in the state pris-

on, shall be made to the supreme court, or to one of the justices thereof, and such writs and warrants shall be returnable only to that court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 15, 1864.

CHAPTER 46.

[*Published February* 17, 1864.]

AN ACT relative to subpenas issued by justices of the peace.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Subpena effectual, served in any county within 30 miles of office of justice issuing it.

SECTION 1. In any action in a justice's court, a subpena issued in accordance with the present provisions of law, shall have the same force and effect in an adjoining county as in the county where issued; and the attendance of any witness residing or being in an adjoining county, and not more than thirty miles from the office of the justice before whom the trial is to be had, upon whom such subpena shall have been duly served, may be compelled by attachment, in the same manner as if such witness were a resident of and within the county when [where] such subpena issued.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 15, 1864.

CHAPTER 47.

[*Published February* 17, 1864.]

AN ACT giving to justices of the peace jurisdiction over and cognizance of certain actions and proceedings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Actions to enforce payment of bounty subscriptions, may be brought before justices.

SECTION 1. Any and all actions authorized to be brought by the town, village or city treasurer of any town, village or city, by chapter two hundred and ninety-five of the general laws of 1863, cognizable before a justice of the peace, may be prosecuted before any justice of the peace in the county in which such town, village or city treasurer holds his office.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 15, 1864.

CHAPTER 48.

[*Published February* 17, 1864.]

AN ACT to extend the time for the collection of taxes in the town of Prairie du Chien, in Crawford county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to April 1.

SECTION 1. The time for the collection of taxes in the town of Prairie du Chien, in the county of Crawford, is hereby extended until the first day of April next: *provided*, this act shall not affect the collection and paying over of the state and county taxes for said town.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 15, 1864.

CHAPTER 49.

[*Published February* 20, 1864.]

AN ACT to repeal sections one, two, three, four, five, six and seven, of chapter seventy-nine of the revised statutes, entitled "of railroads."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Sections one, two, three, four, five, six and seven, of chapter seventy-nine of the revised statutes, entitled "of railroads," are hereby repealed. Repeal of statutes authorising railroads to consolidate.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 16, 1864.

CHAPTER 50.

[*Published February* 19, 1864.]

AN ACT to amend chapter one hundred and sixty-two of the revised statutes, entitled "of the relief of persons confined in jail on civil process."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter one hundred and sixty-two of the revised statutes, entitled "of the relief of persons confined in jail on civil process," is hereby amended, so as to read as follows: "Section 2. Such persons shall cause notice to be given to the plaintiff in the action, his agent or attorney, in writing, that on a certain day and hour, and at a certain place, he will apply to the judge of the circuit court, county judge or court commissioner of the county in which he is so confined, for the purpose of obtaining a discharge from his imprisonment." Notice of application for discharge.

SECTION 2. Section four of said chapter one hundred and sixty-two is hereby amended, by striking out the words, "such justices," whenever they occur therein, and inserting in lieu thereof the words, "such circuit judge, county judge or court commissioner." Sec. 4 amended.

Sec. 5 amended.

SECTION 3. Section five of said chapter one hundred and sixty-two is hereby amended, by striking out the word, "justices," where it occurs in the last line of said section, and inserting in lieu thereof the words, "officer before whom such examination is had."

Sec. 6 amended.

SECTION 4. Section six of said chapter one hundred and sixty-two is hereby amended, by striking out the words, "the justices," where they occur in the first line of said section, and inserting in lieu thereof the words, "such officer before whom the same is held."

Certificate of officer.

SECTION 5. Section seven of said chapter one hundred and sixty-two is hereby amended, so as to read as follows: "Section 7. After administering the oath, the officer before whom such examination shall be held shall make a certificate under his hand, as follows:

"To the sheriff or jailor of the county of———:

"I do hereby certify, that —— ———, confined in your jail upon an execution, at the suit of —— ———, is entitled to be discharged from imprisonment, if he be imprisoned for no other cause."

May apply for discharge every ten days.

SECTION 6. Section nine of said chapter one hundred and sixty-two is hereby amended, so as to read as follows: "Section 9. If upon such examination aforesaid, the prisoner be not discharged, he shall be entitled to apply for his discharge at the end of every succeeding ten days, in the same manner as above provided, and the same proceedings shall thereupon be had."

Sec. 10 amended.

SECTION 7. Section ten of said chapter one hundred and sixty-two is hereby amended, by striking out the words, "before the two justices," where they occur therein, and inserting in lieu thereof the word, "aforesaid."

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved February 16, 1864.

CHAPTER 51.

[*Published February* 18, 1864.]

AN ACT to amend an act, entitled "an act to amend and consolidate an act entitled 'an act to incorporate the city of Racine, in the county of Racine,' approved August 8th, 1848, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section fourteen of chapter ninety-eight of [the] private and local [general] laws of 1861, is hereby amended, by inserting after the word, "Wisconsin," in the fifth line of said section, the words, "to strictly obey, adhere to and carry out the provisions of this act." Sec. 14 amended.

SECTION 2. Section thirty-four of said chapter is hereby amended, by inserting after the word, "dollar," in the third line of said section, the words, "and fifty cents;" also, by striking out the word, "thirty," where it occurs in the fourth line of said section, and inserting in lieu thereof the word, "twenty;" also, by striking out the word, "five," in the eleventh line of said section, and inserting in place thereof the word, "one." Sec. 34 amended.

SECTION 3. Section thirty-five of said chapter is hereby amended, by adding to said section after the word, "office," in the last line thereof, the following: "Every male inhabitant in each ward of said city, being a resident thereof at the time of making such list by the street commissioner, over the age of twenty-one years and under the age of fifty years, excepting persons of color, paupers, idiots and lunatics, shall be assessed in the manner above prescribed, to pay a poll tax of one dollar to the street commissioner of said ward; said tax to be paid in cash or be commuted for in labor, as provided by sections thirty-four, thirty-five, thirty-six and thirty-seven of chapter nineteen of the revised statutes of 1858. Said street commissioner upon receiving the list with the warrant thereto annexed as above provided, shall give notice to each person named in said list in accordance with the provisions of section thirty-three of said chapter nineteen of the revised statutes, and shall proceed to collect the tax assessed to each person named in said list, as provided in Poll-tax. Duty of street commissioner.

said chapter nineteen; and said street commissioners, in the collection of such tax, are to have and exercise all the powers for the collection of highway taxes, and to make distress and sale of property for such tax, conferred upon overseers of highways by said chapter nineteen of said revised statutes; and in case of levy and sale of goods and chattels by them or either of them for the payment of any such tax, they shall be entitled to collect and receive for the same, such fees as constables are authorized to receive for levying upon and selling goods under execution. Each street commissioner shall expend the money or labor hereinbefore mentioned, upon the streets in his ward in such manner as will in his judgment most improve and benefit said streets; one-half before the first day of July, in each year, and the residue before the first day of October."

Sec. 36 amended.

SECTION 4. Section thirty-six of said chapter ninety-eight is hereby amended, by striking out the word, "five," in the first line of the second subdivision of said section, and inserting in lieu thereof the word, "fifteen;" also, by striking out the word, "and," at the end of the fourth subdivision of said section, and by adding to said section, after subdivision fifth thereof, a further subdivision, as follows: "6th. A sum not exceeding five hundred dollars per annum, for the support of the poor of said city."

Poor tax.

Personal liability of officers.

SECTION 5. Section thirty eight of said chapter is hereby amended, by adding thereto after the word, "city," in the last line thereof, the following: "Every alderman voting to make any appropriation or to incur any liability, or to enter into any agreement or contract in violation of the provisions of this act, or beyond the amounts herein authorized to be raised, and any city clerk and comptroller auditing any such unauthorized appropriation, or issuing any scrip thereon or therefor, or on account of any such liability, or countersigning any such agreement or contract, shall be jointly and severally liable in their individual capacity for the appropriation so made or scrip issued, or liability incurred, or contract executed, in an action to be prosecuted against them or either of them by or in the name of any tax payer of said city; the costs and expenses of such prosecution to be borne and paid by the city, and one-half the damages recovered in any such action to

be paid to the party prosecuting the same, and one-half thereof to be paid into the city treasury."

SECTION 6. Section forty-seven of said chapter is hereby amended, by inserting the words, "marshal, deputy marshal," after the words, "acting mayor," in the first line of said section. Sec. 47 amended.

SECTION 7. Section sixty-one of said chapter is hereby amended, so as to read as follows: "Section 61. Before entering upon the duties of his office, the marshal shall execute to the city a bond, in the sum of two thousand dollars, with two or more sureties, to be approved by the city council, conditioned for the faithful performance of the duties of his office. Said marshal shall have the same power to serve and execute all process, civil and criminal, as is or shall be given by the general laws of the state to constables, and shall have and receive the same fees which constables are or shall be authorized to collect and receive for like services; and it shall be the duty of the marshal and all deputy marshals of the city of Racine, and they are hereby authorized and required, to summarily arrest and take before any justice of the peace of said city any person who shall be found within the corporate limits of said city in a state of intoxication, or who shall be guilty of any boisterous revelry or obscenity, or any breach of the peace, by making any improper noise or disturbance, or indecent exposure of his person, or by firing guns, or fighting or threatening to fight, or in any other manner shall be engaged in violating any provision of this act, or any ordinance made or to be made in pursuance thereof, or any ordinance existing at the time of the passage of said act, and therein declared to be in full force until altered or repealed; and said justice shall have power to hear, try and determine all such offenses; and any person convicted of any offense specified in this act, or in any ordinance in force in said city, where no other punishment is specified by law or by any ordinance of said city, shall be punished by fine of not less than three dollars nor more than fifty dollars, and costs of prosecution, or by imprisonment in the county jail or city lock-up, not less than three days nor more than fifty days, in the discretion of the justice; but in case any person shall be committed for non-payment of any such fine and costs, he shall be discharged upon payment of the

Marshal to give bond.

Powers and duties of marshal and justices.

same, together with the costs and expenses of his imprisonment, to the sheriff or other officer having charge of such jail or lock-up."

When marshal shall not be entitled to fees.

SECTION 8. Section 62 of said chapter 98 is hereby amended, by adding thereto the following: "In case any person or persons so arrested shall be discharged before being taken before such justice, the marshal or deputy making such arrest shall not be entitled to or have or receive from the city any fees on account thereof."

Sec. 65 amended.

SECTION 9. Section 65 of said chapter is hereby amended, by striking out the words, "in the general statutes of this state," in the 8th line of said section, and inserting in lieu the words, "in this act;" also, by striking out the words, "such statutes or," in the ninth and tenth lines of said section, and inserting in lieu thereof the words, "this act or such."

Penalties for violation of ordinances.

SECTION 10. Section 66 of said chapter is hereby amended, so as to read as follows: "In all cases in which by the provisions of this act, the city council have power to pass ordinances, they may prescribe any fine, penalty or punishment for the violation thereof, not exceeding fifty dollars for any one offense, together with the costs of prosecution, or imprisonment in the county jail or city lock-up, not exceeding fifty days; and may also provide that in default of payment of such fine and costs, the defendant may be committed to such county jail or lock-up."

Sec. 68 amended.

SECTION 11. Section 68 of said chapter is hereby amended, by inserting the words, "for a penalty," after the word, "obtained," in the 2d line of said section.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved February 16, 1864.

CHAPTER 52.

[*Published February* 17, 1864.]

AN ACT to authorize the city of Kenosha to offer and pay bounties to vounteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Kenosha shall have power, at any legal meeting thereof, to provide by ordinance or ordinances, for the payment of bounties to such volunteers as may have been mustered into the military service of the United States, since October 17th, 1863, or that shall hereafter be mustered into said service, and who shall have been or shall hereafter be credited to said city on any call made for volunteers into such service, and to determine and fix by such ordinance or ordinances, the amount of bounty or bounties that shall be paid to each volunteer, not exceeding in amount the sum of two hundred dollars to any one; and the proper officers of said city shall have power to issue city scrip for any amount voted to be raised and paid under the provisions of this act, and to negotiate the same upon reasonable terms, to be used and paid for the purposes above provided. And the said common council shall have power, and it shall be their duty, to levy and collect upon the last assessment of said city, a tax upon all the taxable property therein, in the same manner that other taxes are levied and collected, for the purpose of paying any and all scrip issued for bounties under the provisions of this act: *provided*, that no such scrip shall be issued or tax collected, except as shall be provided by ordinance, which ordinance shall in every case specify the amount to be issued or the tax to be raised, and shall first be approved by a majority of the votes cast at a special election held for that purpose, which may be called upon five days' notice, given by handbills posted in at least five conspicuous places in each ward of said city; *and provided, further*, that scrip shall not be issued nor a tax levied and collected at any one time, exceeding one per cent. upon the last valuation of said city, nor to exceed fifteen thousand dollars in the aggregate.

Council may provide for payment of bounties to volunteers.

Scrip may be issued.

Levy and collection of tax therefor.

Issue of scrip and collection of tax to be first approved by special election.

Limit to tax.

Repeal.

SECTION 2. All laws, acts and provisions of the charter of said city of Kenosha, conflicting with this act, are, for the purposes of this act, hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 16, 1864.

CHAPTER 53.

[*Published February* 20, 1864.]

AN ACT to amend chapter one of the general laws of 1858, entitled "an act for the auditing and payment of the postage of the members and officers of the senate and assembly, and state officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Auditing of accounts of bank comptroller for postage.

SECTION 1. Section one of chapter one of the general laws of 1858, is hereby amended, by inserting after [the] words, "superitendent of public property," the words, "and bank comptroller."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 16, 1864.

CHAPTER 54.

[*Published February* 20, 1864.

AN ACT to extend the time for the payment and collection of taxes in the town of Grafton, county of Ozaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to March 15.

SECTION 1. The time limited by law for the collection of taxes for the year 1863, in the town of Grafton, in the county of Ozaukee, and for making return of the unpaid taxes of that year to the county treasurer, is hereby extended to the 15th day of March, 1864;

and upon such return being made, the county treasurer shall proceed to collect such returned tax and to advertise and sell the land so returned by the town treasurer of said town for the non-payment of taxes therein, in the manner now provided by law.

Not to apply to state tax.

SECTION 2. This act shall in no way operate to extend the time limited for the payment of the state tax by the treasurer of the county of Ozaukee.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 16, 1864.

CHAPTER 55.

[*Published February* 20, 1864.]

AN ACT to authorize the town of Grafton, in the county of Ozaukee, to issue bonds for the purpose therein mentioned.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town board may issue bonds to pay bounties to volunteers.

SECTION 1. The town board of supervisors of the town of Grafton, in the county of Ozaukee, is hereby authorized and empowered to issue bonds of said town to an amount not exceeding five thousand dollars, for a time not less than one year nor more than two years, drawing an annual interest of seven per cent., payable annually at such place as said board shall determine, for the purpose of paying bounties to volunteers only who shall enlist in the United States service.

Tax for payment of interest and principal.

SECTION 2. It shall be the duty of said town board of supervisors to provide for the payment of the interest when due, and the ultimate payment of the principal, of any and all bonds which shall be issued under this act, and for that purpose the said town board of supervisors are hereby authorized, empowered and directed to levy, in the same manner and at the same time as other taxes for county and state purposes are levied, a tax on the taxable property of said town, for the purpose of paying all bonds and interest issued by said town under and in pursuance of the direction and authority of the aforesaid town board of supervisors.

Return of delinquent taxes.

SECTION 3. All unpaid or delinquent taxes levied on any real estate of said town according to this act, shall be returned to the county treasurer and collected by him, and be credited to said town.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 16, 1864.

CHAPTER 56.

[*Published February* 20, 1864.]

AN ACT to authorize the town of Cedarburgh, in the county of Ozaukee, to issue bonds for the purposes therein mentioned.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to issue bonds to pay bounties to volunteers.

SECTION 1. The town board of supervisors of the town of Cedarburgh, in the county of Ozaukee, is hereby authorized to issue bonds of said town of Cedarburgh to an amount not exceeding five thousand dollars, payable in one or two years from the date thereof, at the discretion of said board, said bonds to bear interest at a rate not to exceed seven per cent. per annum, for the purpose of raising money to pay bounties to volunteers enlisted and mustered into the military service of the United States, in and for the said town of Cedarburgh, county of Ozaukee.

How bonds to be signed, interest, &c.

SECTION 2. The bonds issued under and by virtue of this act, shall be signed by the chairman and countersigned by the clerk of the said board of supervisors of said town, and shall be in sums to be fixed by said board of supervisors, and with interest payable at such times and places as the said board of supervisors may determine; and said bonds when signed and countersigned as aforesaid, shall be, in the hands of a *bona fide* holder of the same, full and complete evidence in law and equity to establish the indebtedness of said town of Cedarburgh, according to the tenor and effect of said bonds.

Shall be evidence of indebtedness, &c.

Direction for issue of bonds, and negotiation of same.

SECTION 3. The town board of supervisors of the said town of Cedarburgh, at any legal meeting thereof,

may direct, by resolution, their chairman to sign and the clerk to countersign the whole amount of bonds authorized to be issued by this act, or such part thereof as the said board may from time to time determine; and it shall be the duty of the town treasurer of said town of Cedarburgh, under the supervision of said board of supervisors, to negotiate the bonds so to be issued and to place the proceeds thereof, as soon as received by him, in the treasury of said town of Cedarburgh; and the treasurer, before he shall receive said bonds for any purpose whatsoever, shall execute to the town board of supervisors of said town a bond, with three or more sufficient sureties, in the penal sum of double the amount of bonds so to be received by him, conditioned for the faithful performance of all the duties imposed upon him by this act or by any order or resolution of the town board of supervisors of said town which may be passed by virtue of the power conferred upon said board by this act, which said bond shall be approved by the town board of supervisors of said town, and filed in the office of the clerk of said board of supervisors.

Treasurer to give new bond.

SECTION 4. It shall be the duty of said board of supervisors, for the payment of interest and the ultimate payment of the principal of any and all of the bonds so to be issued by virtue of this act, and for that purpose said board of supervisors is authorized, empowered and required, annually to levy a tax upon all the taxable property of said town, sufficient to pay the interest upon said bonds, in the same manner as other taxes are levied and collected by law.

Tax for payment of interest and principal.

SECTION 5. The moneys received and paid into the town treasury of said town of Cedarburgh, under and by virtue of this act, shall, for one year from and after the publication of the same, be exclusively applied to the payment of bounties to volunteers mustered into the military service of the United States, and credited to the quota of soldiers required by the United States of the said town of Cedarburgh, at such rate for each volunteer so to be mustered as the said board of supervisors shall find adequate to induce such enlistment to fill said quota, and for the payment of expenses incident to and necessary to carry this act into effect; and any and all such moneys remaining in said town treasury one year after the publication of this act, on account of the sum raised being more than sufficient for

Application of moneys.

said purpose, or the failure to procure volunteers to fill the quota, shall be applied to the support of the families of men who have been or may hereafter be drafted into the military service of the United States from said town.

Compensation of treasurer.

SECTION 6. The compensation to the town treasurer of said town, for receiving and disbursing said moneys, shall be fixed by said town board of supervisors.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved February 16, 1864.

CHAPTER 57.

[*Published February* 18, 1864.]

AN ACT to amend section two of chapter thirty-nine of the general laws of 1864, entitled "an act to authorize towns, cities and incorporated villages to raise money by tax for the payment of bounties to volunteers for the military service of the United States, and to provide for the levy and collection of the same."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Petition for special meeting.

SECTION 1. Section two of chapter thirty-nine of the general laws of 1864, is hereby amended, so as to read as follows: "Section 2. A special meeting may be held in any town, city or incorporated village of this state, for the purpose or purposes mentioned in section one of this act, upon a written petition to the clerk thereof, signed by five or more qualified electors and freeholders of such town, city or incorporated village, which petition shall set forth the purpose or purposes for which said special meeting is asked by the petitioners, together with the amount of money sought to be appropriated or raised by tax at such meeting for each of said purposes; and it is hereby made the duty of every such clerk, upon presentation to him of such petition, to call a special meeting of the qualified electors of such town, city or village, by posting notices of the same in three or more public and conspicuous places in such town, city or village, stating the time when and the place where such meeting will be held, and the ob-

Call for meeting.

ject of the same, together with the amount of each tax proposed to be voted thereat, which notice shall be so posted not less than five nor more than fifteen days previously to the time appointed for holding such special meeting. Such meeting, if in any town, shall be held at the place of the last annual town meeting in such town, whenever the same shall be practicable, and shall be opened and conducted in the manner provided by law for holding annual town meetings. In all other cases, such meetings shall be held at the place designated therefor in the petition asking for the same. The board of inspectors for meetings in cities and villages, shall be chosen by a majority of the electors present at the opening of the polls, and the village or city clerk (as the case may be) shall be the clerk of said polls, but in case of his absence or refusal to act, a clerk for said polls may be appointed by the board of inspectors, and the same laws which now govern the holding of elections, as to time of opening and closing the polls in cities and villages, shall govern in the holding of the meetings contemplated by this act: *provided*, that the electors assembled at any such meeting, not less than twelve in number, may, before proceeding to vote on the question of raising any such tax, agree or determine upon a less sum to be voted for any such purpose than the amount named therefor in the petition aforesaid; and a correct and complete record of the proceedings of every such meeting shall be kept, in which shall be stated the amount of each tax voted thereat, and the purpose for which the same was voted; and such proceedings shall be signed or attested by the officers thereof, and filed and recorded in the office of the clerk of the proper town, city or village; *and provided, also*, that the board of supervisors of any town, the common council of any city, or the board of trustees of any village, in which a tax or taxes shall have been voted at a meeting held for that purpose in pursuance of this act, shall be authorized to issue town, city or village orders, as the case may be, for the payment of the whole or any part of such tax or taxes, bearing interest of not more than seven per cent. per annum; and such orders may be made payable at such time or times and at such place as such respective boards may determine, within the period or periods limited for the collection of such taxes; and such orders shall be receiv-

Where meeting to be held.

Inspectors and clerk.

Less bounty may be agreed upon.

Record of proceedings to be kept and signed.

Issue of orders, &c.

Orders receivable for taxes.

able in payment of any taxes of such town, city or village, as the case may be, at any time after the same shall become due and payable."

Penalty for neglect of duty.

SECTION 2. Section eleven of said chapter thirty-nine is hereby amended, so as to read as follows: "Section 11. In case any town clerk, supervisor or other officer of any town, city or incorporated village authorized or required by law to perform any duty or service, either in giving the notices of any meeting authorized by this act, or in conducting or holding any such meeting, or in issuing any warrant for the collection of the taxes voted at any such meeting, or in collecting such taxes, shall willfully refuse and neglect to perform the duty or service so required of him, for the purpose of preventing the holding of such meeting, the voting of a tax thereat, or the collection of any such tax when voted, or shall refuse to issue or sign any town, village or city order authorized to be issued by his or their respective town, village or city, each and every person so offending shall be deemed guilty of a misdemeanor, and shall be liable to be indicted and punished therefor, as provided by law in cases of misdemeanor."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1864.

CHAPTER 58.

[*Published February 24*, 1864.]

AN ACT to incorporate the Bohemian relief society of the city of Milwaukee.

(*See supplement to local laws.*)

CHAPTER 59.

[*Published February* 26, 1864.]

AN ACT to amend an act entitled "an act to revive and modify an act to incorporate the Milwaukee cemetery association of the city of Milwaukee," approved April 2d, 1860.

(*See supplement to local laws.*)

CHAPTER 60.

[*Published February* 28, 1864.]

AN ACT in relation to Protestant Episcopal churches in Wisconsin

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The rector, wardens and vestrymen, being the trustees of each Protestant Episcopal church incorporated within this state, may be chosen at such times and in such manner as may be in conformity to the rules and usages of such church, and elections or appointments of such officers heretofore made in conformity to such rules and usages, are declared to be valid. Choice of rector, wardens and vestrymen.

SECTION 2. Each Protestant Episcopal church heretofore or hereafter incorporated within this state, may take by purchase, devise, gift or otherwise, and may forever hold, any lands intended to be used for cemetery grounds or burial purposes; and all grants, gifts, conveyances or devises of lands heretofore made to any incorporated Protestant Episcopal church, shall be valid and effectual, according to the intent of the parties. May hold lands for burial purposes.

SECTION 3. Sections 14, 15 and 16 of chapter sixty-seven of the revised statutes, shall apply to all lands so heretofore or hereafter acquired or held for burial purposes. Application of statutes.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 18, 1864.

CHAPTER 61.

[*Published February* 23, 1864.]

AN ACT to amend chapter sixty-seven of the general laws of 1863, entitled "an act to amend chapter 117 of the revised statutes, entitled 'of county courts,'" and to amend chapter fourteen of the general laws of the said year, entitled "an act to repeal chapter three hundred and five of the general laws of 1861, entitled 'an act to increase the jurisdiction of the county court of Polk county.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section three of chapter fourteen of the general laws of eighteen hundred and sixty-three, entitled "an act to repeal chapter three hundred and five of the general laws of eighteen hundred and sixty-one, entitled 'an act to increase the jurisdiction of the county court of Polk county,'" and section three of chapter sixty-seven of the general laws of eighteen hundred and sixty-three, entitled "an act to amend chapter one hundred and seventeen of the revised statutes, entitled 'of county courts,'" are hereby amended, so that each of said sections shall read as follows:

Suits pending in county court to be disposed of in circuit court.

"Section 3. All actions now pending in said county court, under the jurisdiction vested therein by the act hereinbefore repealed, shall be tried or disposed of by the circuit court, in the same manner as they would have been if commenced in said circuit court; and any judgments in any such actions, and any judgments heretofore entered in said county court under the jurisdiction aforesaid, shall be enforced by execution from the circuit court, in the same manner as in the case of judgments in actions commenced and prosecuted in the circuit court.

Prior judgments &c. to be controlled by circuit court.

And all judgments, orders and proceedings heretofore entered, made or taken in said county court, under the jurisdiction aforesaid, and all the records thereof, shall be subject to the control and jurisdiction of the circuit court, in the same manner and by the same methods as if such judgments, orders and proceedings had been originally entered, made or taken in the circuit court."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 18, 1864.

CHAPTER 62.

[*Published February* 23, 1864.]

AN ACT to incorporate the Watertown gymnastic association.

(*See supplement to local laws.*)

CHAPTER 63.

[*Published February* 24, 1864.]

AN ACT for the preservation of fish in the Lake of the Hills, or Devil's lake, Sauk county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No person or persons shall place, set, draw or use any seine, net, pound, gill net, spear or any other contrivance or device other than hook and line, in the water of the Lake of the Hills, or Devil's lake, in Sauk county, Wisconsin, for the purpose of taking or catching fish therein; and any person or persons who shall violate any of the foregoing provisions of this section shall, on conviction thereof, be subject to a fine for each and every such offense of not less than twenty nor more than one hundred dollars, with the costs of suit. Fishing with seine, net, &c. prohibited.

SECTION 2. Justices of the peace shall have jurisdiction to hear, try and determine all cases arising under the provisions of this act: *provided*, that the defendant shall not be deprived of his right of trial by jury, nor of his right of appeal, as in other cases. Jurisdiction of justices.

SECTION 3. All the provisions of section twenty-four of chapter one hundred and eighty-three of the revised statutes of this state, shall apply and be in full force and effect in the construction and enforcement of this act. Application of statutes.

SECTION 4. This act shall not be construed as applying to any Indians not civilized, who may reside within the limits of this state. Not applicable to Indians.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 18, 1864.

CHAPTER 64.

[*Published February* 23, 1864.]

AN ACT to amend chapter one hundred and twenty-eight of the private and local laws of the year 1858, entitled "an act to incorporate the village of Two Rivers, in the county of Manitowoc."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Chapter one hundred and twenty-eight of the private and local laws of the year 1858, entitled "an act to incorporate the village of Two Rivers, in the county of Manitowoc," is hereby amended, by striking out the words, "Fourteenth: To provide for the security and protection of bridges," being the fourteenth subdivision of section eighteen of said act.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 18, 1864.

CHAPTER 65.

[*Published February* 23, 1864.]

AN ACT to repeal chapter one hundred and thirteen of the general laws of 1863, entitled "an act to provide for the application of the five per cent. collection fees on delinquent taxes, in the county of Kewaunee."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Chapter one hundred and thirteen of the general laws of one thousand eight hundred and sixty-three, entitled "an act to provide for the application of the five per cent. collection fees on delinquent taxes, in the county of Kewaunee," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 18, 1864.

CHAPTER 66.

[*Published February 24, 1864.*]

AN ACT to repeal chapter two hundred and sixty-two of the general laws of 1862, entitled "an act to authorize the governor to appoint surgeons in certain cases."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter two hundred and sixty-two of the general laws of 1862, being an act entitled "an act to authorize the governor to appoint surgeons in certain cases," is hereby repealed. Repeal.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 18, 1864.

CHAPTER 67.

[*Published February 25, 1864.*]

AN ACT to authorize the city of Madison to compromise its bonded indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Madison are hereby authorized to negotiate and effect a settlement and compromise of the bonded indebtedness of said city, and for that purpose are hereby fully empowered to issue new bonds of said city, payable in twenty years from the first day of April, A. D. 1864, bearing interest at a rate not exceeding seven per cent. per annum, payable annually on the first day of April, both interest and principal payable in the city of New York. Said bonds shall have coupons annexed, in the usual form, for the annual payments of interest, which, together with said bonds, shall be appropriately numbered, and shall be signed by the mayor and countersigned by the city clerk. The bonds shall be for such sums, not exceeding one thousand dollars each, as shall be found Council authorized to compromise, and to issue new bonds.

most convenient and practicable in carrying out the provisions of this act.

Terms upon which indebtedness may be compromised.

SECTION 2. Upon the surrender to the common council of any bond heretofore issued by said city for municipal or cemetery purposes, or to aid the Watertown and Madison railroad company, or of any interest coupons due or part due taken from any of said bonds, or upon the satisfaction and discharge of any judgment against the city rendered upon such coupons, the owner of such bond, coupons or judgments shall receive from the common council the amount per cent. which the common council of said city may have agreed to pay or shall hereafter agree to pay for the class or kind of bonds so surrendered, in new bonds of the description authorized by the first section of this act, in full for the indebtedness so surrendered. In effecting the compromise hereby authorized, interest on said old bonds and judgments may be allowed to April 1st, 1864, but not thereafter, and any of said new bonds delivered between September 1st and April 1st, of any year, shall have the coupons which have matured and then next maturing, cut off and destroyed before delivery. No bonds shall be issued under this act for any less sum than one hundred dollars, but to facilitate exchanges, the common council may issue time certificates for small or fractional amounts not exceeding one hundred dollars, bearing seven per cent. per annum interest from such date, and payable at such time, not more than five years from their date, as the common council shall determine, and convertible into bonds when presented in proper amounts by one individual; or the common council may pay such small or fractional sums in money whenever there are funds in the city treasury applicable to that purpose.

Time certificates.

Agent to negotiate settlement.

SECTION 3. The common council of said city are hereby authorized, if in their judgment it shall be necessary, to employ an agent or agents to negotiate a settlement and compromise of the old indebtedness hereinbefore mentioned, and to pay such agent or agents such sum for services and expenses incurred in and about said business, as shall in their judgment be just and reasonable; and such agent or agents shall have such powers as the council, subject to the approval of the mayor, shall determine.

Cancellation of old bonds, &c.

SECTION 4. Upon the compromise and surrender of

any of said old bonds or coupons, or the satisfaction of any of such judgments, the city clerk shall cause a description thereof to be entered in a record to be kept by him for that purpose; and such bonds and coupons shall then be canceled in presence of the council and deposited in the city clerk's office.

Annual tax for payment of interest.

SECTION 5. At the time fixed by law for levying the annual city tax, the common council shall levy a special tax annually for the amount of interest which will become due on the first day of April next thereafter, upon such bonds and certificates issued under this act as shall have been actually delivered and which remain unpaid; which tax shall be payable in money, or in coupons as hereinafter stated, and shall be levied and collected as other city taxes are levied and collected, and shall be kept separate from all other funds. The amount collected from such tax shall be applied by the city treasurer to the payment of the annual interest on said bonds and certificates at the place where they are payable; and the treasurer of said city shall receive in payment of all city taxes, the coupons attached to such bonds becoming due on the first day of April next after the levy of such tax, whenever presented by any person for that purpose, and such coupons shall be sufficient vouchers in the hands of the treasurer of said city for the payment of all city taxes to the amount of such coupons so received by him. And said new bonds and coupons being proposed to be issued in compromise and settlement of bonds and coupons of said city already outstanding, with the agreement and understanding on the part of said city with the holders of said old bonds and coupons that said new coupons shall be receivable for city taxes: Now therefore it is declared and enacted, that the provisions herein contained that said new coupons shall be receivable for city taxes, shall be taken and construed as a part of the contract of settlement between said city and its creditors: And it is hereby made the duty of the treasurer of said city to deliver to the common council, at its first regular meeting in the month of March, in each year, all coupons so received by him for taxes, and he thereupon shall be credited with the amount of coupons so as aforesaid received by him for taxes, and said coupons shall be canceled in the presence of the common council and deposited in the city clerk's office; and the common council shall at said

Coupons receivable for taxes.

Construction.

Duty of treasurer and council.

meeting appropriate sufficient money from said fund to pay all coupons falling due on the 1st day of April next thereafter, and cause the same to be placed where said bonds and coupons are made payable, before the first day of April, in each year; and if, at said meeting, it shall be ascertained that sufficient money has not been collected from said special tax to pay all the coupons maturing on the first day of April next thereafter, the common council shall appropriate sufficient to pay such deficiency from the general fund belonging to said city; and all money collected after such appropriation upon said special tax, shall be placed in the general fund belonging to said city. The common council may also, if it shall in their judgment be necessary or expedient, levy a further tax to pay the time certificates issued by virtue of this act.

Further tax may be levied.

Contingent expenses.

SECTION 6. The common council shall have power, and are herby authorized, to appropriate from any money in the city treasury not raised for educational purposes, such sums as may be necessary to defray the contingent expenses and payments provided for by this act.

Portion of bonds may be sold at 25 per cent. discount.

SECTION 7. In case the common council of said city shall deem it to be for the interest of said city to settle or compromise a portion of its said debt for cash, to enable it to do so, they may sell and dispose of for cash, of the issue of bonds authorized by this act, not exceeding fifty thousand dollars, at a sum not less than seventy-five per cent. of their par value.

Repeal.

SECTION 8. All acts and parts of acts relating to the city of Madison, so far as they conflict with the provisions of this act, are hereby repealed; and this act shall take effect and be in force from and after its passage and publication.

Approved February 18, 1864.

CHAPTER 68.

[*Published February* 24, 1864.]

AN ACT to extend the time for the collection of taxes in the town of Dellona, Sauk county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of taxes in the town of Dellona, in the county of Sauk, and state of Wisconsin, is hereby extended until the first day of April next: *provided*, this act shall not affect the collection and paying over of the state taxes for said town. Extended to April 1.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 18, 1864.

CHAPTER 69.

[*Published February* 20, 1864.]

AN ACT to authorize the city of Mineral Point to raise money, by tax, for the payment of volunteers for the military service of the United States, and to provide for the levy and collection of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The qualified electors of the city of Mineral Point shall have power, at any annual or special election, to vote to raise, by tax, such sum or sums of money as may be necessary to pay bounties to volunteers in the service of the United States, who may have enlisted or shall hereafter enlist, and become credited to said city upon its quota under any call of the president of the United States heretofore made, or hereafter to be made, for volunteers for the military service of the United States, or for the purpose of giving aid to the families of volunteers: *provided*, that such bounty shall in no case exceed two hundred dollars to any one volunteer. City may vote at special election to pay bounties to volunteers, &c

Memorial for election.

SECTION 2. Special elections shall be held in said city for the purpose mentioned in section one of this act, upon the written memorial to the clerk thereof, of ten tax-payers of said city. Such memorial shall state at length the amount of money proposed to be raised, and the maximum sum to be paid to each volunteer.

Clerk to give notice.

Within twenty-four hours after the presentation of such memorial, the clerk of said city shall proceed to call a special election, by posting notices of the same, stating the time when and the place where such election will be held in said city, and the object of the same, in not less than three public places in each ward in said city, five days previously to the time appointed for the holding such special election.

How meeting conducted.

Such special election shall be conducted, and the action at and result of such election shall be certified to and recorded in the same manner as now provided by law for conducting other elections in said city. The ballot to be voted at such election shall have written or printed thereon the words, "for volunteer tax," or "against volunteer tax."

Apportionment of tax.

SECTION 3. Whenever the qualified electors of said city shall have voted to raise any sum of money for the purpose of paying bounties to volunteers, or filling the quota or quotas of said city, prior to the 28th day of February, 1864, it shall be the duty of the clerk of said city to make or cause to be made a copy of the last assessment roll or rolls of the real and personal property of said city, and upon the valuation of said property to apportion and carry out in said rolls, the said tax so voted for the puspose aforesaid, and cause a warrant for the collection of said tax to be annexed thereto, which warrant shall be made by the proper officer or officers, and shall conform as near as practicable to the warrant prescribed by law for the collection of other taxes, commanding the treasurer of said city to collect said tax prior to the first day of April next; and said roll and warrant annexed shall forthwith be delivered to the treasurer of said city, to whom the same is directed.

Collection of tax.

SECTION 4. Said treasurer shall forthwith proceed to the collection of said tax, and shall make such collection and return of the delinquent roll to the county treasurer in manner provided by chapter thirty-nine of the general laws of 1864, which said chapter thirty-nine is hereby declared to have full force and effect in

said city of Mineral Point, except in so far as it is modified by the provisions of this act; and all officers whose duty it is to act under this law, shall be liable to the same penalties for neglect of said duty, as is prescribed in said chapter thirty-nine.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 18, 1864.

CHAPTER 70.

[*Published February* 20, 1864.]

AN ACT to enable to city of Fond du Lac to settle with its bondholders.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Issue of bonds authorized to compromise indebtedness for railroads.

SECTION 1. For the purpose of compromising and taking up the bonds of the city of Fond du Lac, issued under an act entitled "an act to authorize the city of Fond du Lac to loan its credit to aid in the construction of railroads," approved March 16, 1854, and also under an act entitled "an act to authorize the city of Fond du Lac to aid in the construction of the Chicago, St. Paul and Fond du Lac railroad," approved March 7, 1856, the city council of the city of Fond du Lac shall have power to issue bonds of said city, at a rate that the mayor and a majority of the city council may agree upon.

Denomination of bonds, date, interest, &c.

SECTION 2. The bonds herein provided for, shall be issued in amounts of not less than five hundred dollars and not exceeding one thousand dollars each, except in fractional amounts due to individual bondholders, on the terms hereinafter specified, for sums less than five hundred dollars, in which case they may be issued for the actual sum due. All of said bonds shall bear date March 1, 1864, and be issued on time not exceeding twenty years, and with coupons or interest warrants attached, drawing an annual interest not exceeding six per cent., to be paid annually at any solvent bank or banking house in the city of New York, notice of the time and

place being given for ten days in some New York city paper.

Sinking fund for redemption of bonds.

SECTION 3. For the better security and more prompt payment of said bonds, the city council aforesaid are hereby authorized and required annually to assess and levy upon the taxable property of said city, a sinking fund sufficient to redeem the whole of said bonds within twenty years, commencing five years after date. The sinking fund shall be expended in the purchase of the bonds herein authorized, at a price not exceeding their New York market value, and not above par, or otherwise to be invested in United States or state stocks at not exceeding their New York market value, to be disposed of exclusively for the redemption of such bonds whenever they can be purchased as aforesaid.

Terms of compromise.

SECTION 4. The city council of said city, the city officers and its agents, are hereby expressly prohibited from issuing and delivering any of the bonds herein provided for, except in exchange for the bonds and coupons first recited in this act, and then only upon a compromise, at a rate that the mayor and majority of the city council may agree upon; and any other delivery of said bonds by any city officer or agent of the city council, shall be deemed an embezzlement, and subject the offender upon conviction thereof, to fine and imprisonment at the discretion of the court.

Tax for payment of coupons and sinking fund.

SECTION 5. For the payment of the bonds herein authorized, the city council of said city are authorized and required annually to levy and assess upon the taxable property of said city, a tax of sufficient amount to pay the coupons and sinking fund, and such portion of the bonds as may become due during the ensuing year, the levying whereof shall be ordered by a vote of the city council, taken by ayes and noes, and recorded upon the journal; and if said levying of such tax shall be neglected or defeated, except for cause over which the city council may not have control, any member thereof so neglecting, or acting knowingly contrary to the requirements of this section, shall be personally liable to a fine of five hundred dollars.

Individual liability of members of council.

Judge of circuit court may order levy of tax.

SECTION 6. In case of any such neglect or omission to levy such tax by the city council aforesaid, upon the application of any one or more persons holding such bonds or coupons so to become due or over due, to the judge of the circuit court, and showing such neglect or

omission of the city council to the satisfaction of said judge, he is hereby authorized to issue his precept to the city clerk of said city, or to any other person, commanding such clerk or person so designated, to levy the necessary tax (specifying the amount to be raised) to pay the coupons, sinking fund and bonds so due or to become due, and an assessment so made shall be as legal and binding in all respects as if ordered by the city council; and for the purpose of facilitating the assessment of such tax in the manner prescribed, the person so directed by said judge shall have free access to all the city records, assessment rolls or other papers necessary for that purpose; and the taxes so levied shall be collected by the city treasurer, and returns made in every respect like other city taxes, and when collected shall be appropriated exclusively for the purpose specified in this act.

Purchase of bonds before maturity.

SECTION 7. The city council, by vote of two-thirds of all its members, shall have power to purchase the bonds of the city before due, at such reduced rates below their value as they may deem for the best interest of the city, and they may levy taxes as aforesaid for the payment of the same, not exceeding ten thousand dollars in any one year, for such purpose.

Coupons receivable for taxes.

SECTION 8. Coupons falling due in any one year shall be receivable for the city taxes of the year in which they may be assessed.

Prohibition.

SECTION 9. The city council of said city are hereby prohibited from issuing the bonds of said city hereafter for any other purpose whatever, except in payment of the bonded debt of said city.

Additional bond from treasurer.

SECTION 10. The city council of the city of Fond du Lac are hereby authorized to require of the city treasurer any additional bond and sureties which they may deem necessary for the safe keeping and disbursement of the moneys collected by the authority of this act, and for the faithful performance of all the duties imposed by the same.

Penalty.

SECTION 11. If any member of the city council or any city officer or agent shall neglect or refuse to comply with the provisions of this act, not made the subject of special penalty, he or they, as the case may be, shall be liable to such fine or imprisonment, or both, on conviction thereof, as the circuit court in its discretion may impose; and all fines imposed by the provisions of

this act may be collected by action in the circuit court, upon complaint of any person or party interested, and shall be paid into the city treasury, and appropriated exclusively for the payment of the coupons and bonds hereinbefore mentioned.

Repeal.

SECTION 12. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage.

Approved February 18, 1864.

CHAPTER 71.

[*Published February 24, 1864.*]

AN ACT to legalize the town meeting of the town of New Haven, in the county of Adams, held on the 25th day of December, 1863.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows;

Special town meeting and tax for payment of bounties to volunteers, legalized.

SECTION 1. The special town meeting held in the town of New Haven, in the county of Adams, on the twenty-fifth day of December, 1863, for the purpose of raising a special tax to pay extra bounties to volunteers into the military service of the United States, is hereby declared legal and valid for all intents and purposes for which the same was held; and all acts done in pursuance of the vote or votes of said meeting, by the officers of said town or any of them, are hereby declared valid, the same as if the law had been fully complied with in notifying and conducting said meeting.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 18, 1864.

CHAPTER 72.

[*Published February 25, 1864.*]

AN ACT to authorize the town of Germantown, in the county of Washington, to issue bonds for the purposes therein mentioned.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town board of supervisors of the town of Germantown, in the county of Washington, is hereby authorized to issue the bonds of said town of Germantown, to an amount not exceeding six thousand dollars, bearing interest at the rate of seven per cent. per annum, and payable in the city of Milwaukee, within two years from their date, to raise money to pay bounties to volunteers enlisted and mustered into the military service of the United States, and credited to and for the town of Germantown, in the county of Washington.

Authority to issue bonds for payment of bounties to volunteers.

SECTION 2. The bonds issued under and by virtue of this act, shall be signed by the chairman and countersigned by the clerk of said town, and shall be in sums to be fixed by said board of supervisors, with interest payable annually thereon, at such time or times and place in the city of Milwaukee as said board of supervisors may determine; and said bonds, when signed and countersigned as aforesaid, shall be in the hands of a *bona fide* holder of the same, full and complete evidence, both in law and equity, to estabish the indebtedness of said town of Germantown, in the county of Washington, according to the tenor and effect of said bonds.

How bonds to be signed, interest, &c.

Shall be evidence of indebtedness, &c.

SECTION 3. The town board of supervisors of said town of Germantown, in the county of Washington, at any legal meeting thereof, may direct by resolution, their chairman to sign and the town clerk to countersign the amounts of bonds authorized to be issued by this act, or such part thereof as said board may from time to time determine; and it shall be the duty of the town treasurer of said town of Germantown, under the supervision of said board of supervisors, to negotiate the bonds so to be issued, and to place the proceeds thereof, as soon as received by him, in the treasury of said town of Germantown; and the treasurer, before he

Direction for issue of bonds, and negotiation of same.

Treasurer to give new bond.

shall receive said bonds for any purpose whatsoever, shall execute to the town board of supervisors of said town, a bond with three or more sufficient sureties, in the penal sum of double the amount of the bonds so to be received by him, conditioned for the faithful performance of all the duties imposed upon him by this act, or by any order or resolution of the town board of supervisors of said town which may be passed by virtue of the powers conferred upon said board by this act, which said bond shall be approved by the town board of supervisors of said town, and filed in the office of the town clerk of said town of Germantown.

Tax for payment of interest and principal.

SECTION 4. It shall be the duty of said board of supervisors to provide for the payment of the interest and the ultimate payment of the principal of any and all town bonds which shall be issued under and by virtue of this act; and for that purpose, said board of supervisors is authorized, empowered and required to annually levy a tax upon all the taxable property of said town, sufficient to pay the interest on said bonds, in the same manner as other taxes are levied and collected by law; and in the year next preceding any year when any or all of said bonds shall become due, the town board of supervisors of said town of Germantown shall levy a tax, as provided in this section, sufficient to pay said bonds so to become due.

Levy of tax.

Bonds to be numbered.

SECTION 5. The town clerk of the town of Germantown shall number said bonds, and cause the same to be registered in the office of the treasurer of said town of Germantown, in a book to be provided for that purpose.

Application of moneys.

SECTION 6. The moneys received and paid into the town treasury of the town of Germantown, under and by virtue of this act, shall for one year from and after the publication of the same, be exclusively applied to the payment of bounties to volunteers mustered into the military service of the United States, of the said town of Germantown, at a rate not exceeding two hundred dollars for each such volunteer, and for the payment of expenses incident to and necessary to carry this act into effect; and any and all such moneys remaining in the said town treasury one year after the publication of this act, shall be used as other moneys collected by tax for town purposes.

Power conferred.

SECTION 7. All legislative and administrative pow-

er necessary to carry this act into full force and effect, is hereby conferred upon the town board of supervisors of the town of Germantown, in the county of Washington.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved February 19, 1864.

CHAPTER 73.

[*Published February* 24, 1864.]

AN ACT to extend the time for the collection of taxes in the town of Springfied, in Dane county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of the state, county and town taxes, for the year 1864, [1863,] in the town of Springfield, in Dane county, is hereby extended until the twentieth day of March, 1864; and the town treasurer of said town shall have the same right to proceed to collect all the unpaid taxes upon the tax roll in his hands, in all respects, in the same manner as he would have been authorized to do had the time specified in his original warrant for the return thereof, not expired: *provided*, nothing in this act shall be construed to extend the time for the payment to the county treasurer [of] the state tax of said town, as now required by law. Extended to March 20.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 19, 1864.

CHAPTER 74.

[*Published February 25, 1864.*]

AN ACT to organize the county of Burnett, and locate the county seat thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Organization of Burnett county.

SECTION 1. From and after the first day of January, one thousand eight hundred and sixty-five, the county of Burnett shall be organized for county and judicial purposes.

Election of supervisors, and division of county into towns.

SECTION 2. The said county of Burnett shall remain one town, to be known as Burnett, until the board of supervisors of said town shall divide the same into other and more towns. At the next general election after such other towns are created, there shall be elected in said county, county supervisors, as county supervisors as elected in other counties of this state, and for the same length of time. The said town supervisors in creating new towns, shall designate by resolution the number of the supervisor distr cts in which the town of Burnett and other towns in said county are to be located.

Election of town officers, Nov. 1864

SECTION 3. There shall be elected in said county of Burnett, on the second Tuesday of November, in the year one thousand eight hundred and sixty-four, by the qualified electors of said county, at the general election, all the town officers now required by law to be elected in the towns of this state, who shall qualify and enter upon the duties of their several offices within ten days after the first day of January, one thousand eight hundred and sixty-five, and hold their respective offices until their successors are duly elected and qualified.

Where election to be held.

The said election shall be held on the premises in said county now occupied by the Wood river postoffice, and known as Wood river.

Appointment of county officers—their terms of office.

SECTION 4. Before the first day of January, one thousand eight hundred and sixty-five, the governor shall appoint in and for said county, all the county officers, (except a county judge,) now required by law, who shall qualify and enter upon their duties within ten days after the first of January, one thousand eight hundred and sixty-five, and continue in the same until their

successors are chosen at the general election of one thousand eight hundred and sixty-five, and duly qualified. The governor shall, on or before the said first day of January, one thousand eight hundred and sixty-five, appoint a county judge in and for said county, who shall qualify and enter upon the duties of said office at the same time the other county officers to be appointed by the governor enter upon the duties of their several offices; and the said county judge shall hold his office until his successor is elected, at the annual town meeting in April, one thousand eight hundred and sixty-five.

Appointment of county judge—his term of office.

SECTION 5. The terms of the circuit court in and for said county, shall be held on the first Monday of December and the first Monday of May, in each and every year.

Terms of circuit court.

SECTION 6. The county seat of said county shall be and hereby is located on section fourteen, in town thirty-eight, of range nineteen west, in said county of Burnett.

Where county seat to be located

SECTION 7. If from any cause the election of town officers, in said county, does not take place at the times herein named, such elections may be held at any time before the first day of January, 1865, to be designated by a resolution of the town board of supervisors of the town to which the county of Burnett is now attached, to be posted in three separate public places in said county, at least ten days before such election.

In case of failure to elect, &c.

SECTION 8. All acts and parts of acts conflicting with this act, are hereby repealed.

Repeal.

Approved February 19, 1864.

CHAPTER 75.

[*Published February* 24, 1864.]

AN ACT for the relief of the Washington county agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized and directed to issue an order upon the state treas-

When order may be issued in favor of.

urer, in favor of the Washington county agricultural society, pursuant to section five of chapter fifty-three of the general laws of 1858, in the same manner as though the annual report of said society had been received on the first day of February, 1864: *provided*, said report be on file in the office of the secretary of state on or before the first day of May, 1864.

SECTION 2. This act shall take effect from and after its passage.

Approved February 19, 1864.

CHAPTER 76.

[*Published February* 24, 1864.]

AN ACT to enable the town of Rock, in the county of Rock, to bridge Rock river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town may build bridge.

SECTION 1. It shall be lawful for the town of Rock, in the county of Rock, to construct a bridge across Rock river, on section twenty-eight, town two, north of range twelve east.

Vote and tax legalized.

SECTION 2. The vote of the people of said town on the twenty-first day of December, A. D. 1863, at a special town meeting held on that day, for the purpose of raising a tax to build a bridge at the ferry on section twenty-eight, and the tax levied and collected pursuant thereto, are hereby legalized.

Supervisors authorized to borrow money.

SECTION 3. The supervisors of said town of Rock are hereby authorized to borrow, on the credit of said town, the sum of two thousand three hundred dollars, and they may issue certificates of indebtedness of said town in the usual form of town orders, for such sum and in such amount as said beard may determine, bearing interest at the rate of seven per cent. per annum, payable in two years from and after the first day of April next.

SECTION 4. This act shall take effect from and after its passage.

Approved February 19, 1864.

CHAPTER 77.

[*Published February 26, 1864.*]

AN ACT to authorize the common council of the city of La Crosse to make an appropriation to pay bounties to volunteers, and to levy and collect a tax for that purpose.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to appropriate from general fund money to pay bounties to volunteers.

SECTION 1. The common council of the city of La Crosse is hereby authorized to appropriate and pay out of the general fund, a sum not exceeding an amount equal to one per cent. on the valuation of the taxable property of said city of La Crosse, for the purpose of paying bounties to volunteers hereafter enlisted and mustered into the military service of the United States, in and for the city of La Crosse, and credited to the quota of soldiers required by the United States of the said city of La Crosse.

Levy and collection of tax to replace same.

SECTION 2. The common council of the city of La Crosse is hereby authorized and empowered, at the time of levying a tax for general city purposes, or at any time when the said council shall deem it necessary or expedient, to levy a tax upon all the taxable property in said city, not exceeding one per cent. on the assessed valuation of the property, in addition to the amount of taxes now authorized by the charter of said city to be levied for general city purposes, for the purpose of raising such an amount as shall be appropriated by said council under and by virtue of the provisions of this act, which said tax, if levied at the time of levying the tax for general city purposes, shall be levied and collected in the same manner that other taxes are levied and collected by law.

Tax may be levied on assessment roll of 1863.

SECTION 3. If said common council shall deem it necessary or expedient to levy a tax for the purposes mentioned in this act, before the time for levying the annual tax for general city purposes, the said council is hereby authorized and empowered to levy said tax upon the taxable property of the city of La Crosse on the assessed valuation of the year 1863, which said tax shall be levied and collected in the same manner that taxes for general city purposes are levied and collected by law: *provided*, that if said taxes so levied, or any part

Sale of lands for delinquent taxes

thereof, shall not be paid on or before the third Monday in March, 1864, the city treasurer of the city of La Crosse shall advertise and sell the lands upon which said taxes shall remain unpaid, at the same time, in the same manner and with the same effect that delinquent lands are advertised and sold in said city for taxes for other purposes.

Collection of personal tax.

SECTION 4. Of [If] the personal property tax which shall be levied under and by virtue of the provisions of this act, shall not be paid within thirty days after the warrant shall be delivered to the city treasurer of said city, the said treasurer shall proceed to levy and collect the same by distress and sale, in the same manner as now provided by law.

Tax to be paid into general fund

SECTION 5. All of said taxes which may be collected, shall be paid into the general fund of said city.

Form of notice of tax sale.

SECTION 6. The notice of sale for delinquent taxes in the city of La Crosse, shall hereafter be substantially in the following or other eqivalent form:

"NOTICE OF TAX SALE.

"City treasurer's office,
"City of La Crosse, Wisconsin.

"Notice is hereby given to all whom it may concern, that I shall, on the ——— day of ———, 18—, at my office in said city, offer for sale and sell at public auction, so much of each of the several tracts or parcels of land in the city of La Crosse, Wisconsin, upon which the taxes remain unpaid, as shall be necessary to pay the taxes, charges and interest due thereon for the year 18—; said sale to commence at —— o'clock, and to be continued from day to day until completed.

"La Crosse, ——— ———, 18—.

"——— ———, city treasurer."

Power conferred.

SECTION 7. All legislative and administrative powers necessary to carry this act into full force and effect, are hereby conferred upon the common council of the city of La Crosse.

Repeal.

SECTION 8. All acts or parts of acts contravening the provisions of this act, are, for the purpose of this act only, hereby repealed.

SECTION 9. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

Approved February 23, 1864.

CHAPTER 78.

[*Published February* 26, 1864.]

AN ACT relating to tax certificates in the counties of Marquette and Green Lake.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That in all cases where lands situate in the county of Marquette, were sold for the non-payment of taxes prior to the division of said county, and which, by reason of said division, are now situate in the county of Green Lake, in this state, and which have been conveyed by deed by the clerk of the board of supervisors of the said county of Green Lake, in his official capacity, after the time limited by law for the redemption of lands sold for taxes, the said deed, so executed as aforesaid, shall be *prima facie* evidence in all courts and places of title in the grantee therein named, when duly recorded, and shall have the same force and effect as if provision had been made for the giving of such deeds by the clerk of the board of supervisors of the said county of Green Lake, in the law providing for the division of the said county of Marquette: *provided*, that the provisions of this act shall not be so construed as to prohibit the redemption of any such lands sold for taxes, and upon which deeds have been issued, until the first day of May, 1864.

Validity of certain tax deeds issued by clerk of board of Green Lake county to lands situated in Marquette co.

Redemption.

SECTION 2. That in all cases of lands sold for the non-payment of taxes in the said county of Marquette, prior to the division thereof, and which are now situate in the county of Green Lake, the clerk of the board of supervisors of the said county of Green Lake shall issue deeds as in other cases provided for by law, and such deeds shall have the same force and effect in law as other tax deeds.

Tax deeds which clerk of board of Green Lake shall issue.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1864.

CHAPTER 79.

[*Published February 26, 1864.*]

AN ACT to amend chapter one hundred and thirty-seven of the revised statutes, entitled "of evidence."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Officers authorized to take affidavits out of this state, to be used as evidence in courts of this

SECTION 1. Whenever any oath or affidavit is or may be required or authorized by any law of this state, the same may be taken in any other state, territory or district of the United States, before any judge or commissioner of a court of record, master in chancery, notary public, justice of the peace, or other officer authorized by the laws of such state, territory or district to administer oaths; and in case the same shall have been properly certified by any such officer to have been taken before him, and shall have attached thereto a certificate of the clerk or other proper certifying officer of the court of record of the county or district within which such oath or affidavit was taken, under the seal of his office, that the person whose name is subscribed to the jurat was, at the date thereof, such officer as he is therein represented to be, and that he believes the signature of such officer to be genuine, such oath or affidavit may be read or used in any court of record or not of record within this state, and before any officer, judicial, executive or administrative, the same as though it had been taken in conformity to law in this state.

SECTION 2. This act shall take effect and be in force from and after its publication.

Approved February 23, 1864.

CHAPTER 80.

[*Published February 24, 1864.*]

AN ACT to amend section 4 of chapter 39 of the general laws of 1864, entitled "an act to authorize towns, cities and incorporated villages to raise money, by tax, for the payment of bounties to volunteers for the military service of the United States, and to provide for the levy and collection of the same."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of chapter thirty-nine of the general laws of 1864, entitled "an act to authorize towns, cities and incorporated villages to raise money, by tax, for the payment of bounties to volunteers for the military service of the United States, and to provide for the levy and collection of the same," is hereby amended, so as to read as follows: "Section 4. Said treasurer shall proceed forthwith to the collection of such tax, and for that purpose shall have all the power and authority vested in him by law for the collection of other taxes, and shall give notice as required in section sixty-nine, chapter eighteen, revised statutes, that the assessment roll or assessment rolls for the special tax ordered is in his hands for collection, subject to payment at his office; and for eight days thereafter, on all sums paid during said eight days, shall remit to the persons so paying or tendering three-fifths of the amount included in said list, as his fees for collecting such tax; and for all sums not paid at the expiration of such eight days, the treasurer shall be entitled to collect the same fees as in the collection of other taxes; but before he shall distrain the property of any person, he shall give such person or his agent or representative, if to be found in his town, city or village, at least three days' notice by making demand of the taxes as aforesaid imposed on such person."

Amendment.

Collection of tax

Collector's fees.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 23, 1864.

CHAPTER 81.

[*Published February 26, 1864.*]

AN ACT to authorize the assessor of the town of Hartford, in the county of Washington, to correct the assessment roll of that town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to correct assessment roll.

SECTION 1. The assessor of the town of Hartford, in the county of Washington, for the year 1863, is authorized and directed to correct the assessment roll of his town in regard to the valuation of real estate, where mistakes have been made in extending and copying the amount of the valuation of such real estate, or where the valuation of such real estate as now entered upon such assessment roll, is manifestly erroneous, and not proportionate to the real value of such real estate; and such assessment roll so corrected shall be as valid and legal for all purposes of taxation, as it would have been had the valuations been originally entered as corrected.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1864.

CHAPTER 82.

[*Published February 26, 1864.*]

AN ACT to extend the time for the collection of taxes in the city of Racine.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to March 28.

SECTION 1. The time for the collection and return of the state and county taxes in the city of Racine, Racine county, is hereby extended until the twenty-eighth day of March, A. D. 1864, and the tax warrant now in the hands of the city treasurer shall be in full force until the said twenty-eighth day of March, A. D.

1864, for all the purposes of collecting, levying, distress and sale, and returning said taxes.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1864.

CHAPTER 83.

[*Published February 26, 1864.*]

AN ACT to extend the time for the collection of taxes in the town of Dane, county of Dane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of taxes and for making returns to the county treasurer of delinquent taxes of the town of Dane, in the county of Dane, is hereby extended until the fifteenth day of March, 1864, and the treasurer of the said town of Dane is hereby authorized to proceed in the collection of the taxes now in his hands for collection, in the same manner and with the same authority, until the said fifteenth day of March, as now provided by law for the collection of taxes: *provided*, that nothing in this act shall be construed as extending the time for the payment to the county treasurer of the state tax of said town. Extended to March 15.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1864.

CHAPTER 84.

[*Published March 1, 1864.*]

AN ACT to incorporate the Black river improvement company.

(*See supplement to local laws.*)

CHAPTER 85.

[*Published February 27, 1864.*]

AN ACT to authorize the town of Addison, in the county of Washington, to raise money for the payment of bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to issue bonds for payment of bounties to volunteers.

SECTION 1. The town board of supervisors of the town of Addison, in the county of Washington, and state of Wisconsin, is hereby authorized and empowered to issue the bonds of said town of Addison, pursuant to a vote of said town, at a special town meeting held in said town on the 12th day of February, A. D. 1864, to an amount not exceeding four thousand dollars, bearing interest at the rate of seven per cent. per annum, and payable at the office of the town treasurer of said town of Addison, in one year from their date, to raise money to pay bounties to volunteers enlisted and mustered into the military service of the United States, and credited to and for said town of Addison.

How bonds to be signed.

SECTION 2. The bonds issued under and by virtue of this act, shall be signed by the chairman and countersigned by the town clerk of said town of Addison; and when said bonds are signed and countersigned as aforesaid, shall be in the hands of a *bona fide* holder of the same, full and complete evidence, in law and equity, to establish the indebtedness of said town of Addison, according to the tenor and effect of said bonds.

Shall be evidence of indebtedness, &c.

Tax for payment of principal and interest.

SECTION 3. The town board of said town shall, and it is hereby made its duty, to provide for the payment of the principal and interest due upon all or any bonds issued by virtue of this act; and for that purpose the said town board of supervisors of said town is hereby authorized, empowered and required to levy a tax upon all the taxable property of said town, in the year (*A. D.*) 1865, to pay the principal and interest on said bonds, in the same manner as other taxes are levied and collected by law.

Bonds to be numbered, &c.

SECTION 4. The town clerk of said town shall number said bonds so to be issued by [virtue of] this act, and the treasurer of said town shall give a bond in the sum of eight thousand dollars, to be approved by the

town board of said town, conditioned to faithfully perform all the duties required by this act.

SECTION 5. The money received and paid into the town treasury of said town, under and by virtue of this act, shall be exclusively applied to the payment of bounties to volunteers mustered into the military service of this state, and credited to said town of Addison, at a rate not exceeding two hundred [dollars] for each volunteer, and for the payment of expenses incident and necessary to carry this act into effect. Application of moneys.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved February 24, 1864.

CHAPTER 86.

[*Published February* 27, 1864.

AN ACT to authorize the city of Portage to levy and collect a tax to pay bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Portage are hereby authorized to raise and appropriate money as a bounty for volunteers, and to levy a tax upon all the taxable property in said city to pay the same, which tax shall be assessed and collected in the same manner as other city taxes; but no money shall be so raised or appropriated unless the proposal to raise the same shall first be submitted to a vote of the qualified electors of said city, and be approved by them. Before the council shall raise and appropriate such money and levy such tax, they shall specify the amount to be raised and the object thereof, and shall cause notice of the time and place of voting thereon to be posted in three of the most public places in said city, not less than five nor more than fifteen days prior to such election. Authority to levy tax for payment of bounties to volunteers. Question first to be submitted to vote.

SECTION 2. The common council may direct that one poll be held for the entire city, and may appoint the requisite number of officers, whose duty it shall be to One poll only may be held.

take such vote and make the return of the same to the council.

Not in conflict.

SECTION 3. No provision or provisions of the charter of said city shall be held as conflicting with this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 25, 1864.

CHAPTER 87.

[*Published February* 27, 1864.]

AN ACT to extend the time for the collection of taxes in the town of Beloit, Rock county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to March 25.

SECTION 1. The time for the collection of taxes in the town of Beloit, in the county of Rock, is hereby extended until the twenty-fifth day of March, 1864: *provided*, that this act shall not be so construed as to extend the time for the payment of state taxes.

Collection and return of taxes.

SECTION 2. The treasurer of said town shall have the same power and authority to collect the taxes contained in said town tax roll after as before such extension of time for the collection of said taxes, and the return of the town treasurer to the county treasurer, within the time limited for the collection of taxes by this act, shall be as valid as if made pursuant to the direction of the original warrant.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 25, 1864.

CHAPTER 88.

[*Published February* 27, 1864.]

AN ACT to extend the time for the collection of taxes in the city of Beloit, in the county of Rock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of taxes in the city of Beloit, in the county of Rock, is hereby extended until the twenty-fifth day of March, 1864: *provided*, that this act shall not be so construed as to extend the time for the payment of state taxes. Extended to March 25.

SECTION 2. The treasurer of said city shall have the same power and authority to collect the taxes contained in said city tax roll after as before such extension of time for the collection of said taxes, and the return of the city treasurer to the county treasurer, within the time limited for the collection of taxes by this act, shall be as valid if made pursuant to the direction of the original warrant. Collection and return of taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 25, 1864.

CHAPTER 89.

[*Published February* 27, 1864.]

AN ACT to legalize the assessment roll of the town of Richwood, Richland county, Wisconsin, for the year 1863.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The assessment roll of the town of Richwood, in Richland county, is hereby legalized for all the purposes of the assessment and collection of the taxes of said town for the year 1863. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1864.

CHAPTER 90.

[*Published March* 2, 1864.]

AN ACT to amend chapter 14 of the revised statutes, entitled "of resignations, vacancies and removals, and of supplying vacancies."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Resignation of judges—to whom made.

SECTION 1. Section 1 of chapter 14 of the revised statutes is hereby amended, by adding thereto, to stand as subdivision six, the following: "By the judges of the supreme, circuit or county courts, to the governor."

Governor may fill vacancies in certain county offices.

SECTION 2. Section 13 of said chapter is also hereby amended, so as to read as follows: "Sec. 13. When at any time there shall be in either of the offices of county judge, register of deeds, district attorney, sheriff or coroner, no officer duly authorized to execute the duties thereof, some suitable person may be appointed by the governor to fill such vacancy."

SECTION 3. This act shall be in force from and after its passage and publication.

Approved February 26, 1864.

CHAPTER 91.

[*Published March* 2, 1864.]

AN ACT to incorporate the village of Boscobel.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Village of Boscobel—boundaries.

SECTION 1. All of that district of country described as follows: All of section twenty-two which lies in Grant county, the west half of section twenty-six, all of the east half of section twenty-seven which lies in Grant county, the northeast quarter of section thirty-four, and the northwest quarter of section thirty-five, all in town eight north, of range three west, shall hereafter be known and designated by the name of the "village of Boscobel," and the inhabitants residing or who may here-

after reside within the limits of the said village, are hereby constituted a body corporate by the name of "the president and trustees of the village of Boscobel," and by that name they and their successors forever hereafter shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, and pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all suits whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure, and shall be competent to have and exercise all the rights and privileges and be subject to all the duties and obligations pertaining to a municipal corporation.

Government—how vested.

SECTION 2. The government of said corporation, and the exercise of its corporate powers and the management of it fiscal, prudential and municipal concerns, shall be vested in a president and three trustees, and such other officers as are hereinafter provided for.

Officers.

SECTION 3. The officers of said corporation shall be one president and three trustees, one clerk, one treasurer, one police justice and one constable, who shall be *ex officio* marshal of said corporation, and such other officers as the trustees shall ordain. The president and trustees and police justice shall be elected by the qualified voters of the said corporation on the second Monday of March, in each year, and shall hold their respective offices for one year, and until their successors are elected and qualified. The clerk shall give at least ten days' notice of the time and place of holding any election, and the president and trustees, or any two of them, shall preside at every such election; and any vacancy in the office of president shall be filled by a special election, and vacancies in the office of trustees shall be filled by the president and trustees. All other officers shall be appointed by the president and trustees, and shall hold their offices during the term for which the trustees are elected, and until their successors are appointed and qualified, and shall be subject to removal by the president and trustees. All persons qualified to vote in said village for member of the state assembly, and who are residents of said village at the time such vote is offered, shall be legal voters for corporation officers; and the president shall be *ex officio* a trustee of said village.

Annual election.

Appointed officers.

The voters present at any election may appoint three voters to act as judges of election, in case there shall not be a quorum of trustees present to conduct the election.

How elections conducted.

SECTION 4. At all elections held under this act, the polls shall be opened at one o'clock in the afternoon, and shall continue open until five o'clock in the afternoon of the same day; and the election shall be by ballot, conducted in the same manner, as far as may be, as elections for members of assembly, and a plurality of votes shall in all cases decide the election.

Special elections.

SECTION 5. In case such officers or any of them shall not be elected as herein provided, the corporation shall not thereby be dissolved, but special elections for the election of president and trustees may be held as herein provided for annual elections, and in case there shall be no officer to give notice thereof, then such notice may be given by any ten freehold voters of said village, as herein provided for annual elections.

Oath.

SECTION 6. Every officer elected or appointed under this act, before he enters upon the duties of his office, and within ten days after his appointment or election, shall take an oath faithfully to discharge the duties of his office and to support the constitution of the United States and of this state, and the laws thereof.

Treasurer and constables to give bonds.

SECTION 7. The treasurer and constable before they enter upon the duties of their offices, shall severally give bonds to the trustees in such sum, with such conditions and with such sureties as said trustees, or a majority of them, shall direct.

President—his duties.

SECTION 8. The president shall preside at all meetings of the trustees, sign all commissions, licenses and permits which may be granted by the trustees. He shall maintain peace and good order, and see that the ordinances of the village are observed and executed, and when presiding at any meeting of the trustees, shall have a casting vote when the votes of the members are equal.

Police court—powers and jurisdiction of police justice.

SECTION 9. There is hereby created and established a municipal court in the said village, to be styled "the police court," and the person elected police justice of said village shall hold the said police court, and he shall have power to administer oaths and affirmations, and to take and certify acknowledgments and proofs of the execution of deeds and other instruments of writing rela-

ting to real estate or other matters required by law to be acknowledged or recorded, or both. As a judicial officer and court, the said police court and justice shall have and possess all the authority, jurisdiction, powers and rights of justices of the peace and justices' courts in civil and criminal proceedings, and shall have concurrent jurisdiction with justices of the peace and justices' courts of this state residing in the said village, of all civil and criminal actions and cases for the violation of any provisions of this act or any ordinance, by-law, rule, regulation [or] resolution of the said village; and the said police justice shall receive the same fees as a justice of the peace receives for his services, but the village shall not be liable for his fees except such as accrue in prosecutions or actions brought in the name of the corporation for the violation of the provisions of this act, or for the violation of the ordinances of the said village. Appeals and writs of *certiorari* may be taken from the judgment of the police justice in the same manner and with the same effect as from justices of the peace.

Meetings, rules, &c.

SECTION 10. The president and trustees shall prescribe the time and fix the place of their meetings, which shall at all times be open to the public, and shall determine the rule of their proceedings, and keep a journal thereof, which shall be open for the inspection of every respectable citizen at all seasonable times and hours, and shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members.

Marshal—his powers, duties, fees, &c.

SECTION 11. The marshal shall possess all the powers and enjoy all the rights of a constable of this state, and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed by the police justice or other judicial officer, and when necessary in criminal cases or for the violation of any of the provisions of this act or of any ordinance of said village, or by-law, rule, regulation or resolution thereof, he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said village, and pursue and ar-

rest any person fleeing from justice in any part of the state of Wisconsin, to apprehend any person in the act of committing any offense against the provisions of this act or of the laws of this state, or the ordinances, by-laws, rules, regulations of the village, and forthwith to bring such person before competent authority for examination; and for such and other similar services he shall receive like fees as allowed to constables for like services. It shall be the duty of the marshal to see that all peddlers, hawkers and common showmen, and all other exhibitors, pay their licenses according to law, and this act and the ordinances of the village, and in default of payment, to prosecute for the same in the corporate name of the village, and pay over the same to the treasurer when received by him.

Treasurer—his duties.

SECTION 12. The treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances, rules, regulations, resolutions or by-laws of said village, and by law. All moneys raised, received, recovered and collected by means of any tax, license, fine, forfeture or otherwise, under the authority of this act, or which belongs to said village, shall be paid to and received by him, and shall not be drawn therefrom except by a written order signed by the president and countersigned by the clerk, by order of the trustees. Such order shall specify the amount of money to be drawn, and its objects. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums arose, which said book, at all seasonable times, shall be open to the inspection of the electors of the village. He shall as often as the trustees require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office he shall pay over and deliver to his successor all moneys, books and vouchers in his possession belonging to said village.

Clerk—his duties and powers.

SECTION 13. It shall be the duty of the clerk to keep a record of the doings of the board of trustees, especially of the passing of by-laws, ordinances, rules, resolutions and regulations, and also a faithful record of all the

doings and votes of the inhabitants of said village, at their annual and other legal meetings, and to keep on file all papers which may be ordered by the trustees. The records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the record of proceedings of the board of trustees certified by him under the corporate seal, shall be evidence in all courts of the contents of the same. He shall keep the corporate seal of the said village. He shall keep a full and accurate account of all orders drawn on the treasury, in a book provided for that purpose, and shall keep all accounts of the corporation with individuals, and shall also keep an accurate account with the treasurer, and charge him with all taxes levied, and the sums of money paid into the treasury; and all receipts of the payment of money or property to the treasurer shall be countersigned by the clerk before they shall be a legal voucher against the village. The clerk shall have power to administer oaths.

Other duties may be required of officers.

SECTION 14. The president and trustees shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Penalty.

SECTION 15. If any person having been an officer in said village, shall not within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession belonging to said village, or pertaining to the office he may have held, he shall forfeit and pay to the use of the village one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Style of ordinances—quorum

SECTION 16. The style of all ordinances passed by the president and trustees shall be "the president and trustees of the village of Boscobel do ordain as follows."

The president and two trustees, or three trustees, shall constitute a quorum for the transaction of any business, and in the absence of the president, the trustees present shall appoint one of their number president *pro tem.*, who shall possess all the powers of the president.

Licenses.

SECTION 17. The president and trustees shall have the exclusive authority, within the corporate limits of the said village, to grant, according to law or ordinance, or both, licenses for selling wine, beer or cider, or spirituous, intoxicating, alcholic, vinous, fermented, malt or mixed liquors, liquids or drinks; regulate and license groceries, taverns, hotels, victualing houses and saloons, and all persons vending or dealing in any such liquors, drinks or liquids, [and] to revoke the same; and no person shall sell, vend, deal in, or, for the purpose of evading the provisions of law, or of this act, or the ordinances of said village, give away any such wine, beer, cider, or intoxicating, spirituous, alcholic, vinous, fermented, mixed or malt liquors or drinks, within such corporate limits, without having first obtained license thereof, as provided by this act, the laws of this state and the ordinances of said village; and any persons who shall in any manner violate any of the provisions of this section, or the ordinances or laws herein referred to, shall, on conviction thereof, be punished as provided by the laws of this state and the ordinances of said village on this subject, and all such offenses shall be prosecuted as provided by such laws and ordinances. All money received for such licenses shall be paid to the treasurer of said village for its use: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state or the ordinances of the said village, and that no license shall be granted for a less time than one year; *and provided, further*, that no person thus licensed, without being so licensed, shall sell or give away any such wine, beer, cider, or spirituous, intoxicating, alcoholic, vinous, fermentated, mixed or malt liquors, liquids or drinks, on election day or on Sunday.

Penalties for violation of license laws.

In all prosecutions for any violation of this section, or of the laws or ordinances herein referred to, it shall be sufficient to allege in general terms the selling, vending, dealing in or giving away, without such license, of such inhibited liquors, liquids or drinks, and the proof on the trial of such selling, vending, dealing in or giving away to any person of any one of such inhibited

liquors, liquids or drinks, shall be sufficient to warrant and sustain a conviction, on proof that the person charged kept a bar, sideboard, or other thing or fixture, with bar furniture usually used by persons vending or dealing in such inhibited liquors, liquids or drinks, shall be *prima facie* evidence sufficient to warrant and sustain a conviction, or proof that he delivered any such inhibited liquors, liquids or drinks to any person, shall also be *prima facie* evidence sufficient to warrant and sustain a conviction for any such violation.

Slaughter houses

SECTION 18. No person shall keep a slaughter-house, yard or pen, or occupy any open ground for slaughtering purposes, within the corporate limits of the said village, or keep any such place for depositing the offal of slaughtered animals within such limits, without the consent of said president and trustees, entered of record; and any person who shall violate this section shall, on conviction thereof, forfeit and pay for each day he shall keep or occupy any such place for such purpose, the sum of twenty dollars, with costs of prosecution, and shall also, in addition thereto, be guilty of a misdemeanor, and on conviction thereof shall be punished by fine and imprisonment. All such places are hereby declared to be "common nuisances," and shall be abated as provided by law and the ordinances of said village.

Powers and duties of president and trustees.

SECTION 19. The president and trustees shall have the control and management of the finances and of all the property of the village, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, altar, modify, amend and repeal all such ordinances, rules, regulations, resolutions and by-laws for the government and good order of the village, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, regulations, resolutions or by-laws; and such ordinances, rules, regulations, resolutions or by-laws are hereby declared to be and have the power and force of laws: *provided*, that they be not repugnant to the constitution and the laws of the United States or of this state; and for these purposes shall have authority by ordinances, resolutions, by-laws, regulations or rules:

Shows.

1st. To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, and to provide for the abatement and removal of all nuisances under the ordinances or at common law; to restrain, prohibit or license billiard tables, ten pin or other ball alleys, or the setting up or playing on the same in said village.

Gaming.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said village, and to restrain any person from vending, giving or dealing in spirituous, intoxicating, alcholic, malt, mixed, fermented or vinous liquors, unless duly licensed by them.

Riots, &c.

3d. To prevent any riots, noises, disturbances, or disorderly assemblages, suppress and restrain disordely houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, stable, barn, privy, sewer or other unwholesome nauseous house or place, to cleanse, remove or abate the same from time to time as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said village.

Slaughter houses and gunpowder.

5th. To direct the location and management of slaughter-houses and to prevent the erection, use and occupation of the same, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same or other combustible materials.

Incumbering streets, &c.

6th. To prevent the incumbering of streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood or any other materials or substances whatever.

Horse racing.

7th. To prevent horse-racing, immoderate riding or driving in the streets.

Restraining horses, &c.

8th. To restrain the running at large of horses, cattle, mules, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

10th. To prevent any person from bringing, depositing or leaving within said village any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, and in default of such person, to authorize the removal thereof by some competent officer, at the expense of such person or persons. Putrid carcasses, &c.

11th. To make and establish a pound and appoint a pound-master. Also, to protect shade or ornamental trees on the public squares or in the streets of the corporation. Pounds, &c.

12th. To call regular and special meetings of the voters of the said village, and to prescribe the compensation of the clerk of the corporation, and shall examine, audit and adjust the accounts of all persons, but shall receive no compensation whatever for their services as officers of said village. Meetings—compensation of officers.

13th. To organise fire companies, hook and ladder companies; to regulate their government and the time and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to construct and preserve reservoies, pumps, wells and other waterworks, and regulate the use thereof, and, generally, to establish such measures of prudence for the prevention or extinguishment of fires as they may deem proper. Fire companies, &c.

14th. To restrain drunkards, immoderate drinking or obscenity in the streets or other places in the said village, and to provide for the arresting, removing and punishing any person or persons who may be guilty of the same. Drunkards, &c.

15th. To regulate, suppress or license hawkers and peddlers. Peddlers.

16th. They shall have power to require the owner of any lots or grounds in the village to set out ornamental trees in the street or streets fronting the same, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expense of the same. Shade trees.

17th. To compel the owners of buildings or the occupants, when the same are occupied, to remove snow, dirt or rubbish from sidewalks, streets or alleys opposite thereto, and in default, to authorize the removal of the same by some officer of the village, at the expense of such owner or occupant. Rubbish, &c.

Poll-tax.

18th. To tax every male resident of said village above the age of twenty-one years, one day's labor; or in lieu thereof one dollar, to be appropriated to improving the roads and streets of said village under the direction of such person as they may appoint.

Side-walks, &c.

19th. Upon the application of the owners of two-thirds of the lots on any street or part of a street, or on one side of any block, to levy and collect a special tax on the owners of the lots on such street or part of street, according to their respective parts, for the purpose of making a sidewalk along the same, or grading, paving and improving the street along the same.

Opening streets, &c.

20th. To make, open, keep in repair, grade, improve, lay out, altar, widen, vacate or discontinue streets, lanes, alleys, sewers and sidewalks, to keep them free from encumbrances and to protect them from injury, in said village.

Tax for street improvements.

SECTION 20. Whenever the trustees shall levy any tax for the purpose of grading, paving or otherwise improving any street, or for the building or repairing any sidewalk, or for any other special purpose, they shall make out and deliver to the street commissioner such tax to be collected and expended, [and] a list of persons and a description of the property taxed; and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice in three or more of the most conspicuous places in said village, or in some public newspaper printed therein, and shall specify in such notice a time, not less than twenty days nor more than thirty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money; and the persons charged with such tax may, within such time and at such place as may be required by such street commissioner, pay their taxes in labor or materials: *provided*, the labor and materials offered in payment for such taxes are suitable and such as may be required by said street commissioner.

Collection of taxes.

SECTION 21. At the expiration of thirty days from the time the said street commissioner shall have received such tax list, he shall return the same to the trustees, accompanied by a statement verified by his affidavit subscribed thereto, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was

expended, and the items of expenditures; also, the taxes which remain unpaid, and the persons and description of real estate and lots to which such unpaid taxes stand charged; and the clerk of said village shall make out a certified copy thereof, and deliver the same to the town clerk of the town in which said village is situated, who shall, in making out the duplicate tax and assessment of such town next thereafter, enter such unpaid special taxes therein in a separate column, with ten per cent. added thereto, opposite to the names of the persons and descriptions of property against which the taxes so remain charged and unpaid; and such taxes shall be collected in the same manner as the general taxes of said village and town are collected, and when so collected shall be paid over on the order of the trustees, and when not previously applied shall be expended under their direction on the street or sidewalk, or for the purpose for which they were originally assessed.

Penalties for violations of ordinances, &c.

SECTION 22. In all cases in relation to which, by the provisions of this act, the president and trustees have power to enact or pass ordinances, rules, regulations, resolutions or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances, rules, regulations, resolutions or by-laws, not exceeding fifty dollars for any one offense in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may, by such ordinance, by-law, rule, regulation or resolution direct, not exceeding thirty days, for which purpose the said village shall have the use of the jail of the county in which said village is situated, for the imprisonment of any person liable to be imprisoned; and all such persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county; and every execution issued upon judgments for any violation of the provisions of this act or for the violation or non-observance of any ordinance or by-law, rule, regulation or resolution of said village, shall contain a clause directing, in the event of non-payment of the judgment, the imprisonment of the defendant in the said county jail or the jail provided by said village, for such term as shall have been provided for by this act, or the ordinance, rule, regulation, resolution or

Defendant may be imprisoned.

by-law under which the judgment shall have been rendered, or in the discretion of the court, in the absence of such provision by this act or by rule, regulation, resolution, by-law or ordinance. All fines, penalties and forfeitures when collected shall be paid into the treasury of said village for its use.

How actions to recover penalties to be brought.

SECTION 23. All actions brought to recover any penalty, or sum of money or forfeiture under this act or the ordinance, by-laws, or rules, regulations, resolutions, shall be brought in the corporate name of the village, without being required to give security for costs in any such action, and the process may be either by summons or warrant, and it shall be sufficient without setting forth the special matter to declare generally, stating the clause of this act or by-law, ordinance, resolution, rule or regulation under which the action is brought. The defendant may plead the general issue and give the special matter in evidence, and a printed copy of an ordinance, by-law, rule, regulation or resolution, published in a newspaper or pamphlet by authority of the trustees, shall be *prima facie* evidence of the passage and publication of such ordinance, by-law, rule, regulation or resolution.

Publication of ordinances, &c.

SECTION 24. Any ordinance, regulation, resolution, rule or by-law, imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper in the village before the same shall be in force, except as hereinafter provided; and proof of such publication by affidavit of the printer or foreman in the office of such newspaper, or by producing such newspaper containing such publication, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, resolution, rule or by-laws in all courts and places; and within ten days after such publication, they, with said affidavit, shall be recorded by the clerk of the village in books to be provided for that purpose, which record shall also be conclusive evidence of such publication and passage of such ordinance, rule, regulation, resolution or by-law, in all courts and places. No ordinance, rule, regulation, resolution, by-law or appropriation shall be passed, made, altered, amended or repealed, without an affirmative vote of a majority of the president and trustees in its favor, which vote shall be taken by "ayes" and "noes," and entered of record.

SECTION 25. All notices, ordinances, by-laws, rules, regulations, resolutions or other matter required by or under this act to be published in a newspaper, shall be published in a weekly newspaper published in said village, if there be one, and if no such paper shall be published in said village, then the same shall be published by posting up the same, either in writing or print, in three or more of the most public places in the said village. In all actions brought by or in the name of the said village, or against it, the said village shall have the same right of appeal, or to a writ of *certiorari* or of error, as individuals have, and in no case shall any judgment be rendered against said village for costs, but it shall be liable for costs to the same extent that the state is liable for costs in criminal cases, and no more; and no person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party or interested. Ibid. Appeals.

SECTION 26. The powers conferred upon the said president and trustees to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where intoxicating, alcoholic, malt, mixed, spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances, and shall be abated as herein provided, and according to the laws of this state for abating nuisances. Suits to abate nuisances.

SECTION 27. The police justice and the justices of the peace residing within the corporate limits of said village, shall have exclusive jurisdiction of all actions arising under this act or the ordinances, by-laws, rules, resolutions or regulations passed in pursuance of this act, unless otherwise specially provided. Exclusive jurisdiction.

SECTION 28. The trustees shall have power to appoint and at their pleasure to remove the follow officers, to wit.: one chief engineer of the fire department and a street commissioner, and prescribe their duties and fix their compensation under the provisions of this act, and to require bonds for the faithful performance of Removal of officers.

their duties, when deemed expedient and necessary by the trustees.

Service of process against village.

SECTION 29. When any suit or action shall be commenced against the said village, the service in such case shall be made by leaving a copy of the process, duly certified to by the proper officer, with the president, and it shall be the duty of the president forthwith to inform the trustees thereof, or to take such other proceedings as by the ordinances or resolutions of said village may be in such case provided.

Village debts.

SECTION 30. No real or personal property of the said village, or of any inhabitant of said village, or of any individual or corporation, shall be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said village.

Damages for widening streets.

SECTION 31. The president and trustees, in case of laying out or widening any street, alley or public walk, shall pay to the owner or owners of any land or lots through which any such street, alley or public walk so laid out or widened by them shall pass, adequate compensation for any damages which may be sustained in consequence.

How to be ascertained.

SECTION 32. Such damages shall be ascertained by six freehold electors of the said village, to be summoned by the police justice upon the request of the president of said village for that purpose, as a jury, who shall determine the necessity thereof. They shall be selected by the said president and the party claiming damages, in the same manner as jurors before justices of the peace in civil cases are selected, and after being selected and summoned as aforesaid, they shall be sworn by some person having power to administer oaths, truly to ascertain upon actual view, first, the necessity thereof, and then such damages. They shall take into consideration the benefit, if any, as well as the damage from the laying out or widening of such street, alley or public walk to such party claiming damage, and the persons so selected, summoned and sworn shall proceed to the discharge of their duty in the premises, and make report in writing over their several signatures to said president within twenty-four hours, which report shall be binding upon the corporation and the party claiming such damage.

Expenditure of highway taxes.

SECTION 33. All highway taxes assessed or payable on property or persons resident or being within said

village, shall be expended on any and all the highways, streets and bridges in said village, but not on any sidewalk, crossing or alley, and the overseers of highways in said village, and every overseer of highways of whose district any portion of said village shall form a part, shall apply and expend the highway taxes assessed and collected on property or persons resident or being within said village, under and according to the direction and control of the board of trustees of such village, or such person as they may appoint, any law to the contrary notwithstanding; and said board shall have power to appoint during their pleasure, a street commissioner as their agent to direct and control the expenditure of highway taxes in said village, and the building and repairing bridges therein, whose compensation for services rendered by him in the discharge of his duties, shall be such as they may order or allow: *provided, however*, that the board of trustees of said village may, by special order previously made, allow such portion of the highway taxes assessed or collected as aforesaid in said village, not exceeding one half-part thereof, to be expended without the limits of said village, on any public highways leading from said village.

Tax for outstanding debts.

SECTION 34. The president and trustees shall have power, and it is hereby made their duty, in each year to levy and assess upon the taxable property in said village, such a sum of money as taxes as shall be sufficient to pay and discharge the outstanding debt of the corporation, if any, and its expenses for the current year, after applying the money derived from other sources to such purposes, and no more.

How tax collected.

SECTION 35. All taxes raised and collected in the said village of Boscobel for the purposes authorized by the last preceding section, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of the said village, as taxes for town, county and state purposes are levied and assessed.

Amount to be determined.

SECTION 36. The president and trustees of the said village shall on or before the first Monday of November, in each year, by resolution to be entered on the records, determine the amount of such corporation tax to be levied and assessed on the taxable property within the corporate limits of the said village for the current year; and the clerk of the said village shall thereupon, on or

before the third Monday of the same month of November, in each year, deliver to the town clerk of the town in which such village is situated, a certified copy, under his hand and name and the corporate seal of the said village, of all resolutions of the said president and trustees determining the amount of taxes to be levied and assessed for the current year, together with a description of the territory included within the corporate limits of the said village.

How assessed and collected.

SECTION 37. The town clerk or other proper officer, as the case may be, of the town in which such village is situated, shall assess, apportion and carry out such corporation taxes, pro rata, according to the dollar valuation, upon all the real and personal property liable therefor, in a separate column in the tax and assessment roll and warrant of his town next thereafter issued and delivered to the town treasurer of his town for collection, in the same manner as he shall assess, apportion and carry out town, county and state taxes; and if for any reason such corporation taxes shall not be assessed, apportioned and carried out in the next assessment and tax roll and warrant as herein provided, it shall or may be assessed, apportioned, carried out and collected in that of any succeeding year. The said corporation taxes shall be in all respects collected or returned delinquent in the same manner as town, county and state taxes are collected by law, and when collected shall be paid over by any officer collecting or receiving the same to the treasurer of the said village. Any officer or other person who shall neglect or refuse, on demand, to pay over any such corporation taxes when collected or received by him in any manner, to such village treasurer, shall be liable to an action therefor, with twenty-five per cent. damages added thereto, to be sued for and recovered in the corporate name of the said village, both against such defaulting officer or other person, and his sureties.

Duty of town assessor.

SECTION 38. The town assessor of the town in which said village is situated, in assessing the taxable property in his town in each year, shall assess the taxable property, real and personal, within the corporate limits of the said village in one continuous part of his assessment roll, and foot up the valuations of all the items of property assessed and valued by him within said limits.

Statement of election of officers to be filed

SECTION 39. No general law contravening the provisions of this act, shall be considered as repealing,

amending or modifying the same, unless such purpose be expressly set forth in such law. It shall be the duty of the clerk of said village, immediately after any election under this act, to make out a statement of the persons elected as corporation officers, and of the persons appointed to the offices of clerk, constable and treasurer of the corporation, whenever an appointment of such officer is made, with the fact of the acceptance and qualification of such officer so elected or appointed, under his hand and corporate seal, and file the same in the office of the clerk of the circuit court of the county in which said village is situated; and it is hereby made the duty of the clerk of such circuit court to file the same in the same manner as he files and preserves like certificates of the election and qualification of justices of the peace and other town officers. The police justice shall file a duplicate of his oath of office with the said clerk of the said circuit court. With clerk of circuit court.

SECTION 40. The first election of officers under this act shall be held on the second Monday of March, A. D. 1864, in case this act shall take effect on or previously to that day, and the official publication of this act shall be sufficient notice of such election; and in case this act shall not take effect on or previously to that day, or in case the said first election shall not be held on the said second Monday of March, A. D. 1864, then the same may be ordered and appointed by any ten freehold voters, as provided in section five of this act. First election.

SECTION 41. The annual meeting of the school districts in the said village of Boscobel, shall be held on the last Monday of August, in each year. Annual meeting of school districts.

SECTION 42. This act shall be considered a public act, and shall be construed favorably in all courts and places, and shall take effect and be in force from and after its passage and publication; and it is hereby made the duty of the secretary of state to cause this act to be published in the official state paper immediately after its passnge. Public act, &c.

Approved March 1, 1864.

CHAPTER 92.

[*Published March 4, 1864.*]

AN ACT to legalize the proceedings of the common council of the city of Janesville, and to authorize said city to levy a tax to pay orders issued in payment of bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Issue of orders, &c. legalized.

SECTION 1. All the acts and proceedings of the common council of the city of Janesville, done and had at any time after the 23d day of December, A. D. 1863, either in issuing or authorizing to be issued orders on the treasurer of said city, in payment of bounties to volunteers, authorized and directed to be paid by a vote of the electors of said city, given at a meeting of such electors, called for that purpose, and held in said city on the 23d day of December, A. D. 1863, are hereby legalized and declared to be in all things valid; and all the aforesaid acts and proceedings of said common council, in issuing or authorizing to be issued orders on said treasurer for the payment of interest on the first named orders, for the time the same, respectively, have to run, are also hereby legalized and declared to be in all things valid and binding.

Tax to pay orders.

SECTION 2. The said common council are hereby empowered and directed to levy and collect, in the same manner and at the same time as other taxes for city purposes are levied and collected, a tax on the taxable property of said city, sufficient to pay the aforesaid orders, as well as said orders for interest as otherwise, at the time the same, respectively, become due and payable, according to the terms thereof.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 29, 1864.

CHAPTER 98.

[*Published March* 4, 1864.]

AN ACT to authorize the towns therein named to aid in the construction of the Oshkosh and Wausau railroad.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The boards of supervisors of the towns of Farmington and Caledonia, in the county of Waupaca, and the town of Wolf River, in the county of Winnebago, state of Wisconsin, for the purpose of aiding in the construction of the Oshkosh and Wausau railroad, are hereby authorized each to subscribe to the capital stock of said railroad company for said towns, to the following several amounts, viz.: The board of supervisors of the town of Wolf River, to the amount of three hundred dollars; the board of supervisors of the town of Farmington, to the amount of five hundred dollars, and the board of supervisors of the town of Caledonia, to the amount of three hundred dollars, upon the terms and conditions hereinafter mentioned.

Authority to boards.

Amounts that may be subscribed.

SECTION 2. It shall be the duty of the several boards of supervisors of said towns, to submit to a vote of the legal voters of said towns, when thereto requested by said railroad company or their proper agent, the said railroad company or their agent, at the time of making such request, presenting to the said board of supervisors a petition signed by at least ten legal voters in said town, petitioning said board so to do, an ordinance setting forth the amount of stock proposed to be taken and the amount of money to be raised by tax for the purpose of aiding in the construction of the road-bed for said railroad; and they shall fix the time and prescribe the manner in which a vote will be taken for or against said ordinance, by the legal voters of said towns.

Ordinance—vote thereon.

SECTION 3. The said ordinances shall be published at least one week previously to the time for holding the election, by publication in a newspaper printed in said county, and by posting up written or printed copies of said ordinances in three of the most public places in said towns, respectively; and the said elections shall be held and the votes canvassed and certified in the man-

Ordinance to be published.

ner provided by law for holding the usual elections of said towns. The vote shall be by ballot, on which shall be written or printed the words, "for the ordinance," or "against the ordinance;" and if a majority of the votes cast at such election shall be in favor of such ordinances, then the chairmen of the boards of supervisors, in the name of said boards, respectively, shall subscribe for the amount of stock mentioned in said ordinances.

Form of ballots.

Town orders to company.

SECTION 4. When the said chairmen shall subscribe for the said stock, as above mentioned, they shall deliver to the Oshkosh and Wausau railroad company, or their agent, town orders of said towns, respectively, to the same amount of the said stock so subscribed for each town, which town orders shall stand upon the same footing as all other town orders, and shall be paid and be receivable for taxes in the same way as now provided by law in cases of town orders.

Bonds of towns.

SECTION 5. Before the said town orders shall be delivered to the said railroad company or their agent, the said railroad company or their said agent so receiving said orders of the said towns, respectively, shall give a good and sufficient bond in double the amount to the several towns, respectively, with one good and sufficient surety, which said bonds shall be approved by the several boards of supervisors to whom they are given, conditioned that the amount so paid to the company as aforesaid, by the town of Farmington, shall be expended in making the road-bed of the said railroad from the said village of Waupaca to a point four miles east of the same, and for securing the right of way; and that the amount so paid to the company, as aforesaid, by the said town of Caledonia, shall be expended by said company in the said town of Caledonia, in making the road-bed to said railroad upon the line now surveyed, located through said town of Caledonia, and partly graded; and the amounts so paid to the said company as aforesaid, by the said town of Wolf River, shall be expended by said company in making the road-bed of said railroad from the east bank of Wolf river, at the village of Fremont, (where said road is now located and partially graded,) to a point four miles east of the same.

Privileges of towns as stockholders.

SECTION 6. When such stock shall be subscribed as aforesaid, said towns shall have the same powers and

privileges as other stockholders in said company; and the board of supervisors of each of said towns having stock in said company, shall annually, or as often as there shall be a vacancy, appoint one railroad commissioner, whose duty it shall be to attend each annual and special meeting of the stockholders, and shall be entitled to cast one vote for every share of stock owned by said town, in the election of directors and on all questions where the stockholders are entitled to vote.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved February 29, 1864.

CHAPTER 94.

[*Published March* 2, 1864.]

AN ACT to suspend the levy and collection of a special tax in the city of Ripon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Levy and collection of railroad tax postponed.

SECTION 1. The levy and collection of the tax voted by the electors of the city of Ripon, on the first Tuesday in April, 1863, to aid in the construction of a railroad from Fond du Lac to Ripon, in pursuance of chapter one hundred and ninety-five of the general laws of 1863, is hereby indefinitely postponed: *provided*, such postponement shall not extend beyond the time when the railroad shall have been graded and bridged from Ripon to Fond du Lac, and the ties delivered, as provided in section 19 of said chapter one hundred and ninety-five.

Proviso.

Correction of assessment roll.

SECTION 2. The clerk of the city of Ripon is hereby authorized and required to correct the assessment roll of said city, by excluding therefrom said railroad aid tax, and the treasurer of said city shall not be required to collect said railroad aid tax, or make any returns of land or property for non-payment thereof, any warrant or any provision of law to the contrary notwithstanding.

Council may order levy and collection of tax.

SECTION 3. Nothing contained in this act shall be so construed as to prevent the common council of the city of Ripon from directing by resolution or order, the levying and collection of such railroad aid tax, whenever in their opinion the interests of said city will be promoted by so doing: *provided*, the vote on the passage of such resolution or order shall be taken by ayes and noes, and recorded at length upon their journal, and a majority of all the council elect shall be required for its adoption.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 29, 1864.

CHAPTER 95.

[*Published March* 4, 1864.]

AN ACT to authorize the town of Waupaca to aid in the construction of the Oshkosh and Wausau railroad.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town board may issue bonds.

SECTION 1. The board of supervisors of the town of Waupaca, in the county of Waupaca, are hereby authorized, on the conditions and for the purposes hereinafter mentioned, to issue the bonds of said town of Waupaca to the Oshkosh and Wausau railroad company, for any sum of money not exceeding in the aggregate ten thousand dollars.

How signed, &c.

SECTION 2. Such bonds shall be signed by the chairman of the town board of supervisors, and countersigned by the town clerk of said town of Waupaca, shall be of the denomination of five hundred dollars each, or of one thousand dollars each, shall be payable at such place as the board of supervisors issuing them and the said Oshkosh and Wausau railroad company may agree upon, and shall be payable as follows, viz.:

When payable.

The first of said bonds, to the amount of one thousand dollars, shall become due and payable in three years from the first day of April next after the issue and delivery of said bonds, and one thousand dollars of said

bonds shall become due and payable on the first day of April, in each and every succeeding year thereafter, until the full amount of bonds so delivered by said town of Waupaca shall be fully paid, with interest payable annually at seven per cent. per annum.

Bonds to be delivered in payment of stock.

SECTION 3. Such bonds may, according to the purpose for which their issue is authorized, be delivered in payment at the value expressed on their face, for shares of stock to be subscribed for by the chairman of said board, in the name of said board of supervisors, for said town of Waupaca, in the capital stock of the said Oshkosh and Wausau railroad company, to be expended in the making of the road-bed of said railroad between the west bank of Wolf river and the village of Waupaca.

Question of issue of bonds to be submitted to vote.

SECTION 4. No such bonds shall be issued until a majority of the legal voters of the town voting upon the question, shall have voted in favor of such issue of bonds. The election for that purpose shall be called by the supervisors of said town, upon the application of the said Oshkosh and Wausau railroad company, by their proper agent, the said agent at the time of said application to said board of supervisors presenting to said board a petition, requesting said board to call said election, signed by at least twenty legal voters of said town of Waupaca; and the said board of supervisors shall give notice of such election, by posting up five written or printed notices of the same in public places in said town, and cause the same to be published in a newspaper printed in said town, at least one week before said election. The notice shall specify the amount of the bonds proposed to be issued, the length of time they are to run, and the rate of interest they are to draw. At such election, those voting for said proposition shall deposit a ballot upon which shall be written or printed the words, "for the railroad," and those voting against it shall deposit a ballot upon which shall be written or printed the words, "against the railroad." The election shall be conducted and the votes canvassed and certified in the same manner provided by law for holding the usual elections of said town.

Form of ballots.

Security for application of money.

SECTION 5. Before the supervisors shall issue and deliver any such bonds, the said railroad company or their agent so receiving the same, shall give security to the satisfaction of the supervisors, that the money aris-

ing from the sale of said bonds shall be faithfully applied in the construction of said road-bed between the west bank of Wolf river and the village of Waupaca, and that the railroad shall be completed to Waupaca, and within such time as the said board of supervisors and railroad company may agree upon.

Tax for payment of interest and principal of bonds.

SECTION 6. The board of supervisors of said town of Waupaca shall annually, or whenever it becomes necessary, assess and levy a tax upon the taxable property of said town of Waupaca, sufficient to pay the interest annually upon all such bonds as may have been issued, and also to pay the principal of said bonds each and every year, as the same may become due and payable, according to the provisions of this act, which said tax shall be collected in the same way and manner that other taxes are collected in said town.

Appointment of railroad commissioner.

SECTION 7. The board of supervisors of said town of Waupaca shall annually, or as often as a vacancy occurs, appoint one railroad commissioner, who shall attend the annual and special meetings of the stockholders of said railroad company, and shall be entitled to cast one vote for every share of stock held by the town, in the election of officers and all questions submitted to a vote of the stockholders.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved February 29, 1864.

CHAPTER 96.

[*Published March 4, 1864.*]

AN ACT to authorize the county of Douglas to pledge its credit for railroad purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to vote on question of aid to railroad

SECTION 1. At the regular election for town officers to be held in the county of Douglas, in the year one thousand eight hundred and sixty-four, the legal voters of said county may deposit ballots, written or printed, or partly written and partly printed, in words as fol-

lows, to wit: "for railroad pledge," or "against railroad pledge;" and it shall be the duty of the inspectors at said election to receive such ballots in a box to be by them prepared for that purpose, and count the same and make return thereof to the clerk of the county board of supervisors of said county, who shall certify the result in said county to the governor, secretary of state and state treasurer, as provided by the election laws in other cases where results of elections are to be certified to such state officers.

Form of ballots.

SECTION 2. If a majority of the ballots cast in said county, in pursuance of section one of this act, be "for railroad pledge," the county board of supervisors and the clerk thereof shall execute a bond or bonds, as hereinafter provided, to the amount of one hundred thousand dollars, payable thirty years after the date thereof, with interest at the rate of seven per centum per annum, payable semi-annually in the city of New York, at such place or places as the treasurer of this state shall designate.

Execution of bond of $100,000 by county board of supervisors.

SECTION 3. The county board of supervisors of said county shall annually cause to be levied and collected, as state taxes are collected, the sum of seven thousand dollars, and such additional amount as may be necessary, to pay the interest on said bond or bonds, and to defray the expenses of collecting the same and paying it over to the state treasurer in funds par in the city of New York. The county treasurer of said county shall pay the same over to the state treasurer, who shall receive the same and apply it to the payment of the said interest at the times and place or places when and where the same shall become due.

Annual tax of $7,000 for interest.

Money to be paid to state treasurer

SECTION 4. From and after the fifteenth year after the issue of said bond or bonds, the said county board of supervisors shall annually cause to be levied and collected, as aforesaid, and in like manner and like funds, and to be paid over to the state treasurer, the sum of five thousand dollars. It is hereby made the duty of the state treasurer, by and with the advice and consent of the governor, to safely invest in good interest-paying state or United States stocks, the aforesaid annual collection of five thousand dollars, and in like manner to receive the income of the investments from time to time as the same may accumulate. He shall annually, on the first day of January, report to the said

Annual tax of $5,000 for sinking fund.

How to be invested.

State treasurer to annually report condition of funds, &c.

county board the condition of the funds thus invested for a sinking fund, and during the year previously to the maturity of said bond or bonds, the state treasurer shall call in the investments so made and the income thereon, and at least one year before the maturity of said bond or bonds, notify the said county board of supervisors of the probable amount thereof, and the deficiency, if any, in amount necessary to fully pay the said one hundred thousand dollars, together with all proper costs and charges. It shall be the duty of the said county board of supervisors of said county to cause to be levied, collected and paid over to the state treasurer, during the year previously to the maturity of said bond or bonds, a sum sufficient to make up the said deficiency, if any, and the state treasurer shall faithfully apply the moneys herein provided to the payment of the interest and bonds aforesaid, when the same shall become due.

County board to pay deficiency to state treasurer.

SECTION 5. For the purpose of promptly meeting the first installment of interest, or of any future deficiency before the taxes herein and by this act provided for shall be collected, the said county board of supervisors shall have power to make temporary loans at lawful interest, for any term not exceeding six months, but such loan or loans shall not exceed seventy-five per centum of the tax levied and assessed for the purpose for which such loan or loans may be made, and such temporary loan or loans shall be paid by the state treasurer out of the tax when collected.

County board may borrow money to pay interest.

SECTION 6. In case of any future dismemberment of the present territory of Douglas county, by the erection of a new county or counties, or otherwise, the portion or portions detached shall continue to be taxed for the purposes herein and by this act provided, in the same proportion to its or their assessable property as if such detachment had not been made.

Liability of county as now organized.

SECTION 7. The said bond or bonds, in denominations of not less than one thousand dollars, shall be engraved and printed in the usual form of public securities, with interest coupons attached, by the said county board of supervisors, the cost of which the said board are hereby authorized to pay out of the county treasury, and shall be issued to the amount of one hundred thousand dollars, and made payable and delivered to that railroad company or corporation which shall complete a railroad connection between the navigable waters of the

How bonds to be executed, and to what company issued.

Mississippi or St. Croix river and the bay or harbor of Superior, in the town of Superior, and county of Douglas, by any railroad lying wholly within the state of Wisconsin, with the usual equipment of engines and cars running thereon, to and from said bay to either of said rivers. Said bond or bonds shall bear interest from and be dated and issued on the first day of January next succeeding the completion of the railroad and equipments as aforesaid: *provided*, that neither of said bond or bonds shall be issued if a railroad be completed and equipped as aforesaid from either of said rivers to any other place than Superior bay or harbor on Lake Superior, or any bay, harbor or navigable river therewith connected, within the state of Wisconsin or Minnesota, before the completion and equipment of the railroad aforesaid to the bay or harbor of Superior: *provided, further*, that neither said bond nor bonds shall be issued to any company whose line of railroad from said river to said bay of Superior shall exceed one hundred and fifty miles, counting the distance from Hudson, on the St. Croix river, or where the navigation is equally as good.

When bonds to be issued.

Provisos.

SECTION 8. This act is hereby declared to be a public act, and shall take effect from and after its passage and publication.

Approved February 29, 1864.

CHAPTER 97.

[*Published March* 5, 1864.]

AN ACT to incorporate the Milwaukee Slovanska Ljpa society of of the city of Milwaukee.

(*See supplement to local laws.*)

CHAPTER 98.

[*Published March* 2, 1864.]

AN ACT to authorize the city of Oshkosh to raise money for the payment of bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Council may vote bounties to volunteers and their families.

SECTION 1. The common council of the city of Oshkosh shall have power at any legal meeting thereof, to vote to raise and appropriate such sum or sums of money as they deem necessary for the payment of bounties to volunteers who are or may hereafter be mustered into the military service of the United States, to the credit of the city: *provided*, that no larger bounty or sum of money than one hundred dollars shall be paid by the city to any one unmarried volunteer, nor more than ten dollars per month to the family of each married volunteer, during the time such married volunteer is in the volunteer military service of the United States, not exceeding three years. And in case of the death of such married volunteer while in the service of the United States, said bounty of ten dollars per month shall be paid to the family of such volunteer for the space of ten months from and after the date of enlistment into the service as aforesaid.

Limit to bounties.

Bounty to family may be paid ten months after death of volunteer.

Auditing and payment of bounty claims.

SECTION 2. The said common council shall have power to audit and allow all claims and demands of volunteers or their representatives to the bounties specified in the preceding section, for the payment or discharge of which such appropriation as aforesaid shall have been made, and to authorize and direct the mayor and city clerk to draw orders on the treasurer of the city aforesaid for the payment of all such sums so audited and allowed by said council, to be paid out of the money voted or raised under and by virtue of the provisions of this act.

Levy of special tax to pay bounties.

SECTION 3. The said common council shall have power by resolution to levy a special tax, not exceeding three per cent. upon all the taxable property, according to and upon the assessment roll of said city for the year 1863, for the purpose of raising money to pay the bounties and appropriations made by virtue of this act. Any personal property belonging to the person

taxed, may be taken and sold for the payment of said tax.

SECTION 4. As soon as said special tax shall be levied, the city clerk shall cause the same to be copied in a book provided for that purpose, setting opposite to each tract of land and to each person named, such sum or sums as may be levied upon such lot or parcel of of land, or against such person. The said copy shall be designated as the "special volunteer tax list," and to it shall be appended a warrant signed by the mayor and city clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the special taxes and assessment in said list specified, in the manner prescribed in this act.

Tax to be copied, and known as "special volunteer tax."

SECTION 5. The said special tax list, before being delivered to the treasurer, shall be compared by the city clerk with the said assessment roll. To it he shall append his certificate that the same has been so compared by him, and that the said assessment roll and the whole thereof has been copied into such tax list.

Clerk's certificate to be appended to list.

SECTION 6. All the general laws of the state which are now or may hereafter be in force relative to the collection of taxes, so far as the same are applicable to the special tax herein named, shall be in force in said city, except as otherwise herein specially provided; and the city treasurer shall proceed to collect the said special tax as soon as he shall receive the special tax list and warrant, in the same manner as is required by law of town treasurers to collect taxes, so far as the same is applicable; and the said city treasurer shall place the said special tax, when collected or paid to him, in the fund for the payment of bounties to volunteers; and in case a larger sum of money is raised for such bounties and appropriations, under the provisions of this act, than is required to pay the same, then such surplus to go in the general fund of the city for the benefit of the city. The city treasurer shall be entitled to receive, charge and collect, as fees for collection of said special tax, upon all said special tax and assessment collected by or paid to him during the first fifteen days subsequently to said tax list being placed in his hands, one per cent., and five per cent. upon all said special tax paid to or collected by him thereafter. The

Collection of tax.

Treasurer's fees.

Publication of notice of time when tax must be paid.

city treasurer shall, upon receipt of the special tax list, publish a notice in the official paper of said city, specifying that all the special tax, whether upon real or personal property, in said tax list, shall be paid on or before thirty days from the date of such notice, and that all of the said special tax not paid by that day will be collected by the seizure and sale of the goods and chattels of the person, company or corporation charged with such special tax; and the publication of such notice shall be deemed and taken to be a demand, and failure to pay the said tax within the time limited in such notice, shall also be deemed a refusal to pay the same.

Return of unpaid taxes.

SECTION 7. All unpaid special taxes in the hands of the city treasurer sixty days after the day the said tax list and warrant shall come into his hands, shall be returned by him to the city clerk of said city, in like manner as town treasurers are required to return delinquent lands for non-payment of taxes to the county treasurer, according to sections ninety-four and ninety-five of chapter eighteen of the revised statutes of this state.

Collection of same.

SECTION 8. The said city clerk, after the said return above mentioned is made to him, shall file the same in his office, and in making out the general tax list of said city for the taxes of 1864, and before delivering the same into the hands of the city treasurer for collection, shall charge in a separate column in such tax list to all such lots or parcels of land, and to all persons and corporations so returned by said city treasurer, in the manner prescribed in the preceding section, such unpaid special tax, together with interest thereon at the rate of twelve per cent. per annum, from the date of such return to the date of the warrant for the collection of the taxes of said city for the year 1864, particularly specifying the purpose for which such tax is levied, and the said tax when so levied shall be collected at the same time and in the same manner as the general taxes of said city for the year 1864 are collected.

Account of treasurer's fees.

SECTION 9. The city treasurer shall keep an account of the fees received for collecting the special tax, and account for the same, as he is now required to do by law for other fees.

Time to collect tax may be extended.

SECTION 10. The common council of said city is hereby authorized to extend the time for the collection and return of said tax for such period of time, not ex-

ceeding thirty days, as the said common council may deem necessary.

City may bid in personal property sold for taxes.

SECTION 11. If at any sale of personal property or estate for the special tax, no bids shall be made for any goods and chattels, the same shall be struck off to the city; and thereupon the city shall receive in the corporate name a certificate of the sale thereof, and shall be vested with the same rights as others purchasers. If the city shall become the purchaser of personal property by virtue of this act, the treasurer of the city shall have the power to sell the same at public sale for the benefit of the city.

Council may assess persons omitted to be assessed, &c.

SECTION 12. In cases where it shall appear to the satisfaction of the common council that any person has been omitted to be assessed and taxed for personal property, such person or corporation may accordingly be assessed by the said common council; and in case injustice in any instance has been done in levying and collecting said tax upon personal property, by reason of transfer or otherwise, previously to the passage of this act, said common council is hereby authorized and empowered to investigate and correct the same as shall in their opinion seem just and equitable.

Meaning of this act.

SECTION 13. It is the meaning of this act to apply only to volunteers who have enlisted and been mustered into the service of the United States, and credited to the city of Oshkosh, or the several wards thereof, since the 17th day of December, A. D. 1863, on the quotas of said city under the calls of the president of the United States since the 16th day of October, A. D. 1863, and to all such volunteers as may hereafter enlist and be credited as aforesaid.

SECTION 14. This act shall take effect and be in force from and after its passage.

Approved March 2, 1864.

CHAPTER 99.

[*Published March* 5, 1864.]

AN ACT to legalize all the proceedings of a special town meeting for the purpose of raising bounties for volunteers, in the town of Packwaukee, Marquette county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Special town meeting and tax legalized.

SECTION 1. All the proceedings and acts had and held prior to and at a certain special town meeting or election, held in the town of Packwaukee, Marquette county, Wisconsin, on the sixteenth day of February, A. D. 1864, [and] the tax and interest voted to be levied for bounties to volunteers who shall thereafter enlist and be credited to said town, in the next ensuing draft, are hereby declared to be legal and valid for all purposes whatever, notwithstanding any defects, omissions or insufficiencies in the notices, time or manner of posting the same, or in holding and conducting said special town meeting or election.

Tax legalized.

SECTION 2. The tax and interest voted to be levied upon the taxable property of the town of Packwaukee, Marquette county, for the purpose of paying bounties to volunteers, at a special town meeting held in and for said town of Packwaukee, in Marquette county, on the sixteenth day of February, A. D. 1864, are hereby legalized, and declared to be legal and valid for all purposes whatever.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1864.

CHAPTER 100.

[*Published March* 5, 1864.]

AN ACT to amend chapter seventy-three of the private and local laws of 1858, entitled "an act to declare Big Plover river a navigable stream."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter seventy-three of the private and local laws of 1858, is so amended, as to read as follows: "Big Plover river, in the counties of Portage and Marathon, from the mouth of said river up to the northern boundary line of township number twenty-eight, in range number ten, (*be and the same*) is hereby declared a navigable stream." Amendment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1864.

CHAPTER 101.

[*Published March* 5, 1864.]

AN ACT to amend chapter three hundred and nine of the private and local [general] laws of 1863, entitled "an act to incorporate the Milwaukee, Winnebago and St. Paul railroad company."

(*See supplement to local laws.*)

CHAPTER 102.

[*Published March* 4, 1864.]

AN ACT authorizing the assessor of the town of Clinton, in Rock county, to amend the assessment roll for the year 1863, and directing the town clerk of said town to compute the tax thereon, and make his warrant upon the town treasurer for the collection of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The assessor of the town of Clinton, in the county of Rock, Wisconsin, is hereby authorized to Correction of tax list.

make out and deliver to the town clerk of said town, a true list of all personal property in said town that was listed and not entered upon the assessment roll of said town, for the year 1863.

Computation of taxes.

SECTION 2. The town clerk of said town shall, upon the receipt of such list, compute the tax or taxes in the aggregate upon such personal property, the same as was computed on other personal property in said town for the said year 1863, and when so computed, the said town clerk shall deliver the same to the town treasurer of said town, with a warrant attached, directing said treasurer to collect the said tax or taxes on or before the first day of April next.

Disbursement of taxes.

SECTION 3. The tax or taxes, when so collected, shall be disbursed by the town board of supervisors of said town as they may deem best for the benefit of said town.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 3, 1864.

CHAPTER 103.

[*Published March 5*, 1864.]

AN ACT to amend section one of chapter two hundred and seventy-eight of the general laws of 1863, entitled "an act to vacate the village plat of Pittsburg, located on the northeast quarter of the southwest quarter of fractional section thirty-six, in town nine, range two west, and to provide for the sale of the same."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Plat vacated.

SECTION 1. Section one of chapter two hundred and seventy-eight of the general laws of 1863, is hereby amended, so as to read as follows: "Section 1. The plat of the village of Pittsburg, laid out and platted by the commissioners of school and university lands, in the year 1849, upon lot three, or the east half of the southwest quarter of fractional section number thirty-six, town nine, of range two west, (*be and the same*) is hereby vacated."

SECTION 2. This act shall be in force and take effect from and after its passage and publication.

Approved March 3, 1864.

CHAPTER 104.

[*Published March* 5, 1864.]

AN ACT to authorize the common council of the city of Sheboygan to levy an additional amount of tax for the year 1864, to purchase a fire-engine.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Sheboygan is hereby authorized and empowered to levy upon the real and personal taxable property of the said city, for the year one thousand eight hundred and sixty-four, a tax in addition to the amount of tax which said common council is now authorized by law to levy, not exceeding two thousand dollars, for the purpose of purchasing a fire-engine, and all necessary hose and apparatus, for the use of said city. Additional tax for engine, &c.

SECTION 2. Said additional tax shall be levied, assessed and collected at the same time and in the same manner as, and shall be included in and shall form a part of the tax which shall be levied, assessed and collected for general city purposes for said year one thousand eight hundred and sixty-four. Levy and collection of tax.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1864.

CHAPTER 105.

[*Published March 5, 1864.*]

AN ACT to legalize the formation of a certain school district therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The formation of school district number fourteen, of the town of Millville, in the county of Grant, is hereby legalized and declared valid, to the same extent as if all required notices had been given and all the requirements of law had been complied with in the formation of the said district.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1864.

CHAPTER 106.

[*Published March 7, 1864.*]

AN ACT to legalize the jury-lists of the county of Dodge, for the year 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jury-lists legalized.

SECTION 1. The lists of grand and petit jurors adopted by the board of supervisors of Dodge county, at their annual session in November, A. D. 1863, and certified by the clerk of said board of supervisors to the clerk of the circuit court of said county, on the 25th day of January, A. D. 1864, are hereby made and declared to be legal and valid in every respect, as fully as they would have been if said grand jury-list had contained the names of seventy-five jurors, and the said petit jury-list had contained the names of ninety-six jurors.

SECTION 2. This act shall be published immediately, and shall take effect when published.

Approved March 5, 1864.

CHAPTER 107.

[*Published March* 7, 1864.]

AN ACT to vacate the village plat of Fall City.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All of the village plat of Fall City, in the county of Marathon, is hereby vacated; and the lands on which such plat is located shall hereafter be known and assessed, and in all respects treated, as if said village of Fall City had never been surveyed and platted. Vacated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1864.

CHAPTER 108.

[*Published March* 7, 1864.]

AN ACT relating to the election of officers in the city of Appleton, and amendatory of sections two and seventeen of subdivision chapter two of chapter one hundred and twenty-four of the general laws of the year 1863, and to repeal sections eighteen, nineteen, twenty and twenty-one of said chapter one hundred and twenty-four of the general laws of the year 1863.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of subdivision chapter two of chapter one hundred and twenty-four of the general laws of the year 1863, entitled "an act to revise, consolidate and amend the act to incorporate the city of Appleton, and the several acts amendatory thereof," is hereby amended, so as to read as follows: "The elective officers of said city shall be one mayor, one city clerk, one city treasurer, one city assessor, and one marshal for the city, and one justice of the peace and two aldermen for each ward. All other officers necessary for the proper management of the affairs of the city, shall be appointed by the common council. All Elective officers.

elective officers, except justices of the peace, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified: *provided, however*, the common council shall have power for due cause shown, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of, of the charges against him. Justices of the peace elected in the said city of Appleton, shall, if duly qualified, hold their offices for two years from and after the second Tuesday in April next succeeding their election; and each of such justices of the peace may keep his office in which to transact business, hear, try and determine causes, in any or either of the wards of said city, and their jurisdiction shall be co-extensive with the limits of Outagamie county, and they shall have jurisdiction over and cognizance of all actions and proceedings, the same as other justices of the peace in said county of Outagamie; and all proceedings at law before them, shall be subject to and governed and regulated by the general provisions of law now in force, in regard to actions and proceedings before and courts held by justices of the peace."

Expulsion, removal, &c.

Terms and jurisdiction of justices, &c.

Election of officers.

SECTION 2. Section seventeen of subdivision chapter two of said chapter one hundred and twenty-four of the general laws of the year 1863, is hereby amended, so as to read as follows: "There shall be an election of city and ward officers under the provisions of this act, on the first Tuesday in April, A. D. 1864, which election shall be held at the usual places of holding elections in said city. The justices of the peace provided to be elected by this act, shall be elected at the same time and in the several wards, and shall be elected biennially thereafter; and the justices of the peace now residing in the corporate limits of the said city of Appleton, shall severally hold their respective offices until the second Tuesday of April next."

Repeal.

SECTION 3. Sections eighteen, nineteen, twenty and twenty-one of subdivision chapter two of chapter one hundred and twenty-four of the general laws of the year 1863, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 5, 1864.

CHAPTER 109.

[*Published March* 8, 1864.]

AN ACT to authorize the county Brown to issue bonds for the erection of county buildings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That for the purpose of aiding in the erection of a court house and county buildings, the board of supervisors of the county of Brown are hereby authorized to issue the bonds of said county of Brown to an amount not exceeding the sum of twenty thousand dollars, which bonds, or the proceeds thereof, shall be applied in defraying the expenses of erecting a court house and county buildings in said county of Brown, and for no other purpose whatever.

Board of supervisors may issue bonds to amount of $20,000.

SECTION 2. Said bonds shall be of the denomination of one hundred, five hundred, and one thousand dollars, respectively, in such proportions as the board of supervisors shall deem proper, with coupons attached for the payment of interest, at a rate not exceeding seven per centum per annum, and both principal and interest shall be made payable within a period not to exceed twelve years, at the Bank of North America, in the city of New York, and shall be signed by the chairman of the board of supervisors of said county, and countersigned by the clerk of said board, and shall have the seal of said county thereto affixed.

Denomination of bonds, when and where payable, how to be signed, &c.

SECTION 3. The board of supervisors of said county shall annually levy a tax on all the taxable property in said county, sufficient to pay the interest on all the said bonds which at the time of levying the said tax shall be outstanding, and the principal of so many of said bonds as shall mature and become payable in each year; which tax shall be called the county buildings' tax, and shall be paid in money or in the bonds and coupons then due and payable; and the said bonds and coupons, whenever they shall be due and payable, shall be receivable in payment of any tax due to said county, in like manner as county orders.

Tax for interest and principal.

Bonds and coupons receivable for taxes.

SECTION 4. The clerk of the board of supervisors of said county shall keep a faithful record of the bonds of said county which may be issued under the provisions

Clerk to keep record of bonds issued, &c.

of this act, which record shall contain a statement of the number of bonds issued, and to whom, and the amount of each, respectively, and when they will mature, and the rate of interest thereof, which record shall be open to the inspection of the public at all reasonable hours.

Commissioners—their duties.

SECTION 5. Talbot C. Dousman and E. Holmes Ellis, of said county, are hereby appointed commissioners, and as such are authorized and required to co-operate with the county board of supervisors of Brown county, in the selection of a site for said county buildings, and in the adoption of the plans and specifications for the construction of the same. In the selection of said site and in the adoption of said plans and specifications, the decision of a majority of the whole board as hereby enlarged, shall be necessary, and such decision or decisions, when made at any legal meeting of said county board of supervisors, shall be final. The commissioners hereby appointed, shall receive the same compensation for their services under this act, as the said supervisors are by law entitled to.

Selection of site for buildings.

Pay of commissioners.

Act to be published on fly leaf of bonds.

SECTION 6. This act shall be favorably construed to effect the purpose intended to be accomplished, and is hereby declared to be a public act, and shall be printed on a fly leaf attached to the bonds authorized to be issued under the provisions hereof.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 5, 1864.

CHAPTER 110.

[*Published March* 7, 1864.]

AN ACT to authorize the River and Lake Shore City railway company, of Milwaukee, to issue and dispose of its bonds, and to secure the same by a trust deed or mortgage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Company may issue bonds to amount of $39,000.

SECTION 1. It shall be lawful for the "River and Lake Shore City railway company," of Milwaukee, a

corporation heretofore organized and established under and in pursuance of the provisions of chapter seventy-three of the revised statutes, to issue and dispose of its corporate bonds, not exceeding thirty-nine thousand dollars in the aggregate, payable at a time or times to be fixed in said bonds, not more than fifteen years from April first, A. D. 1864, bearing interest at the rate of seven per cent. per annum, payable semi-annually, and to secure the same by a trust deed of or a mortgage upon the company's railway, including side-tracks and switches, in the city of Milwaukee, and of or upon the cars and rolling stock of said company connected with or used upon said railway, which trust deed or mortgage may lawfully be made to convey or cover as well the track, cars and rolling stock proposed to be constructed, built and used, as an extension of the company's railway on the southerly side of the Milwaukee river, as the track, cars and rolling stock now constructed and used by said company on the northerly and east side of said river: *provided*, that the whole amount of the bonds actually issued and disposed of at any time, shall not exceed in the aggregate six thousand dollars for each mile of railway then completed and operated by said company; *and provided, further*, that the issuing of such bonds to be so secured shall be approved by the votes of the stockholders of said company, owning and holding a majority in amount of the capital stock thereof, at a meeting called for that purpose, of which meeting at least six days' notice shall be given.

Security.

Approval of issue of bonds.

SECTION 2. The said company is hereby authorized to negotiate and dispose of such bonds or any part thereof, from time to time, as sufficient of its railway shall be constructed to authorize the same under the provisions of this act, to such persons or corporations or parties, on such terms and at such rates, as may be agreed on, any law on the subject of usury to the contrary notwithstanding.

Negotiation of bonds.

SECTION 3. This act shall take effect and be in force from and after its publication, and all acts and parts of acts in conflict with the provisions of this act, are hereby repealed, so far as the same are applicable to the corporation named in this act.

Approved March 5, 1864.

CHAPTER 111.

[*Published March* 12, 1864.]

AN ACT to legalize the official acts of Stephen Miller, as deputy town clerk of the town of Montello, in the county of Marquette.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts legalized.

SECTION 1. That all the official acts of P. McDonnell, town clerk of the town of Montello, in the county of Marquette, done and performed by Stephen Miller, as his deputy clerk, from and after the 16th day of November, 1863, so far as the same are consistent with the general laws of this state, are hereby legalized and declared to be valid for all purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1864.

CHAPTER 112.

[*Published March* 12, 1864.]

AN ACT relating to the levy and collection of a special tax for the purpose of paying bounties to volunteers in the town of Dane, county of Dane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proceedings legalized.

Apportionment of tax, &c.

SECTION 1. All the proceedings prior to and at the special town meeting held in the town of Dane, in the county of Dane, on the 25th day of February, A. D. 1864, are hereby legalized and declared valid and binding for all intents and purposes; and the clerk of said town is hereby authorized and directed to apportion the tax voted at such meeting, upon the taxable property of said town, contained in the assessment roll upon which the last state, county and town taxes were apportioned, and enter the same upon the said assessment roll, and also upon the duplicate copy of the same, to be retained in the office of the town clerk of said town,

and deliver said assessment roll, with the tax entered thereon, together with his warrant for the collection thereof, to the town treasurer of said town.

SECTION 2. It shall be the duty of the town treasurer of said town of Dane, whenever the assessment roll containing the tax and warrant of the clerk mentioned in section one of this act, shall have been placed in his hands, to proceed immediately to collect said special tax, and for that purpose he shall have all the power to demand and enforce the payment of such tax, as is now invested in town treasurers by law for the collection of other taxes; and the time for the collection of such tax and all other taxes, and for making returns of delinquent taxes of said town of Dane, is hereby extended until the first day of April, A. D. 1864. Collection of tax. Time extended.

SECTION 3. It shall be the duty of the town treasurer of said town of Dane, on or before the first day of April next, to make returns of the delinquent taxes upon the assessment roll in his hands, to the county treasurer of the county of Dane, in the same manner as now provided by law for the return of delinquent taxes; and such county treasurer shall receive and treat such returned delinquent taxes in the same manner as now provided for by law in relation to unpaid taxes. Return of delinquent taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 8, 1864.

CHAPTER 113.

[*Published March* 12, 1864.]

AN ACT to authorize J. F. Kirkland to build and maintain a pier extending into Lake Michigan.

(*See supplement to private and local laws.*)

CHAPTER 114.

[*Published March* 12, 1864.]

AN ACT to legalize a certain state road from Whitehall, in Trempealeau county, to Chimney Rock, in Jackson county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Road legalized.

SECTION 1. The state road laid out by A. L. Sherwood, B. F. Wing and James Phillips, under and pursuant to the provisions of chapter two hundred and thirty-eight of the general laws of this state of the year 1863, entitled "an act to lay out and establish a state from Whitehall, in Trempealeau county, to Chimney Rock, in Jackson county," is hereby declared to be a legal and valid highway, to all intents and purposes, notwithstanding any omission or neglect of the said commissioners to file with the clerks of the boards of supervisors of the counties of Trempealeau and Jackson, correct maps or drafts of said road within the time provided by law, and notwithstanding the omission to forward to the secretary of state a certified return of the survey and plat of said road within the time provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1864.

CHAPTER 115.

[*Published March* 12, 1864.]

AN ACT to provide for revising and publishing the rules of practice for the circuit court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Revision of rules

SECTION 1. The judges of the supreme court are hereby authorized and required to revise and publish the rules of practice for the circuit court of this state.

Printing of rules

SECTION 2. The state printer shall print and deliver

to the clerk of the supreme court, such number of such revised rules as the judges of said court may direct, the account for printing to be audited by the secretary of state, and paid for by the treasurer as other printing done for the state.

Approved March 8, 1864.

CHAPTER 116.

[*Published March* 12, 1864.]

AN ACT to repeal section three of chapter one hundred and thirty-four of the general laws of this state for the year 1858, and embraced within chapter 137 of the revised statutes, entitled "of evidence."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section three of chapter one hundred and thirty-four of the general laws of this state for the year (*A. D.*) 1858, and section fifty-two of chapter one hundred and thirty-seven of the revised statutes, entitled "of evidence," are hereby repealed. Repeal.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1864.

CHAPTER 117.

[*Published March* 10, 1864.]

AN ACT revising, amending and consolidating the laws relating to extra pay to Wisconsin soldiers in the service of the United States or of this state, and providing for the relief of families of such soldiers in certain cases, and to prescribe severe penalties for frauds committed in procuring such extra pay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Each enlisted or drafted non-commissioned officer, musician and private heretofore or here- Additional pay to volunteers and drafted men.

after mustered into the military service of the United States or of this state, in pursuance of any law of congress or of this state, and having a family dependent on him for support, shall receive, from the time of being so mustered, in addition to the pay provided for like non-commissioned officers, musicians and privates in the army of the United States, the sum of five dollars per month: *provided, however*, that this act shall not be so construed as to extend said monthly pay to the family of any person who at the time of enlistment was not an actual resident of the state of Wisconsin, or who enlisted in any company or regiment not organized within this state, except in such cases as are provided for in section 14 of this act; *and provided, further*, that no non-commissioned officer, musician or private who shall desert or be dishonorably dismissed the service, shall be entitled to the benefits of this act; but any soldier who having once deserted, has returned or shall return to his regiment under the president's proclamation of pardon, shall be entitled to the benefits of this act from the time he was or shall be restored to his company.

Must be residents of this state.

Deserters, &c. not entitled.

Term "family" defined.

SECTION 2. The term "family" or "families," where it occurs in this act, shall be construed to mean the wife living with and actually dependent upon the soldier for support at the time of his enlistment or being drafted; or, having no wife as above, or if the wife shall have deserted his child or children, then his children under fourteen years of age; or, having no wife or children, then the widowed mother actually dependent upon the soldier for support at the time of his enlistment or being drafted; or, having no wife or children, or widowed mother, then the infirm or indigent father, actually and wholly disabled from supporting himself, and wholly dependent upon the labor of said soldier for support at the time of his enlistment or being drafted. In any case in which the dependence of a parent has been or shall be transferred from the husband to a son, by the death of said husband in service, or from one son, by the death of said son in service, to another son or sons still in service, the said parent or parents shall be entitled to receive the said five dollars per month so long as said parent or parents has or have any son in service upon whom said parent or parents is or are depend-

Transfer of dependence.

ent: *provided*, that no one family or person shall be entitled to draw more than five dollars per month under the provisions of this act; *and provided, also*, that nothing in this act shall authorize or require the payment of said extra compensation to be made to any person who has received the extra pay heretofore provided by law, for any time for which such person has heretofore received such extra pay.

No family entitled to more than $5 per month.

SECTION 3. The additional pay provided in section one of this act, shall not be paid at the expiration of each month, but shall remain in the state treasury, and the amount there accumulated to the credit of any soldier shall be used and appropriated by the state treasurer to pay such orders as may be drawn on him, in accordance with law, for the support and maintenance of the family of such soldier; but if the pay so accumulated to the credit of any soldier shall not be drawn from the treasury on such orders, it shall be paid to such soldier or his legal representative at the expiration of his term of service.

Extra pay to be passed to credit of soldier.

SECTION 4. Upon the presentation to the secretary of state of an order of the wife or person having charge of the family of any soldier mustered into the service of this state or the United States, as aforesaid, upon which shall be a statement of a justice of the peace of the town or a court commissioner in the county in which such soldier shall reside, stating that the person drawing the order is the wife, or the person having charge of the family of such soldier, the secretary of state, if fully satisfied such wife or person is legally entitled to receive the extra pay authorized by section one of this act, shall draw his warrant upon the war fund in the state treasury for the amount of such order, or for such portion thereof as shall then be due to such soldier or family, and the state treasurer shall pay the same on presentation.

How the money may be drawn.

SECTION 5. In case there shall be no justice of the peace residing in the town in which the soldier shall reside, as required and provided in the preceding section, any justice of the peace residing in any adjoining city or town, within this state, shall be authorized to make the statement mentioned in said section; and if the wife or other person entitled to receive such extra pay, shall actually remove to some other town than that in which the soldier resided at the time of his

When statement may be made by justice of adjoining town or city.

enlistment or being drafted, any justice of the peace of the town to which such residence is changed, shall be authorized to make the statement mentioned in said section.

Extra pay to be continued six months after death of soldier.

SECTION 6. The families of all non-commissioned officers, musicians and privates, mustered into the military service of the United States or of this state, who are now entitled, or who have been or may become entitled, under the laws of this state, to receive five dollars per month, shall, in case such non-commissioned officer, musician or private shall have died, or shall hereafter die in the military service of the United States or of this state, or shall die within one month after having been honorably discharged from the military service of the United States or of this state, from disease or wounds contracted or received while in such service, continue to receive such five dollars per month for six months after the death of such non-commissioned officer, musician or private, or his honorable discharge as aforesaid: *provided*, that the same shall cease at such time, during said six months, as any such family shall commence receiving a pension from the United States government. Such payment shall be made in the same manner and to the same persons as is hereinbefore provided for the payment of the said five dollars per month to the families of soldiers.

Pay to cease when family commence receiving pension.

Secretary of state to prescribe rules of evidence.

SECTION 7. The secretary of state may prescribe rules of evidence, and require such proofs under oath, and such certificates and statements, as he shall deem necessary to carry out the provisions of this act; but in no case shall the claim of the father of a soldier to receive the extra pay aforesaid, be established, unless upon the sworn testimony of at least three credible and responsible persons, who shall state in their affidavit or affidavits, that the matters and facts sworn to by them in relation to such claim, are true of their own personal knowledge. The secretary of state may also provide all such blanks and blank forms as he shall deem necessary and proper to facilitate the transaction of the business imposed on him by this act. It shall also be the duty of the secretary of state, on the twentieth day of March and the twentieth day of October, in each and every year, to make out and forward to the town clerk of each town and the city clerk of each city, in this state, lists containing the names of

Affidavit of three persons required in case of father.

Secretary to furnish necessary blanks, &c.

Secretary to send clerks of towns and cities semi-annual reports of parents drawing extra pay.

every parent in each of said towns and cities who may then be receiving aid from the volunteer aid fund, under the provisions of this act; and it is hereby made the duty of each of said clerks to file said lists in his office, for the examination of any tax-payer of his town or city who may desire to examine the same.

Penalty for false jurat.

SECTION 8. If any officer or person shall willfully make a false certificate or statement to accompany any application for the extra pay provided by this act, or shall knowingly affix a jurat to a false statement or affidavit to be used in obtaining the aid provided by this act, he shall forfeit double the amount received from the state treasurer upon such application, to be recovered, with costs, on complaint of any person who shall bring a suit therefor in the name of the state, one-half the forfeit to go to the complainant, and the remainder to be paid to the county treasurer of the county where the suit is brought, to be placed to the credit of the state of Wisconsin; and such officer or person shall, in addition to the foregoing penalty, be liable to indictment as for a misdemeanor, and if convicted, shall be punished by fine and imprisonment, at the discretion of the court.

Penalty for false swearing in support of application.

SECTION 9. If any person shall willfully and knowingly swear falsely in regard to any fact or matter alleged or stated in any affidavit required or made in support of any application for the aid or extra pay authorized by this act, such person shall be deemed guilty of perjury, and upon conviction, shall be punished in the same manner and to the same extent as if convicted of willful and corrupt perjury committed in a judicial proceeding.

Penalty for affixing name of any other person to affidavit, &c., unless authorized so to do.

SECTION 10. If any person shall sign, attach or affix the name of any other person or officer to any affidavit, certificate, statement or jurat, to be used in making or supporting any claim for the aid or extra pay aforesaid, unless the person or officer whose name is so signed, attached or affixed, be personally present at the time, and, after having first read or heard read such affidavit, certificate or statement, expressly authorize his name to be signed, attached or affixed thereto, shall be deemed guilty of forgery, and upon conviction thereof, shall be punished therefor in the manner and to the same extent as if convicted of any offense mentioned in section one of chapter one hundred and sixty-six of the revised statutes of this state.

Penalty for drawing extra pay when not entitled to it.

SECTION 11. Every person who shall apply for and receive any sum or sums of money, as extra pay to soldiers, without being legally entitled under this act to receive the same, shall forfeit double the amount so received upon any such application, to be recovered with costs, and applied in the manner provided in other cases by section eight of this act; and if such person shall make said application, knowing that he or she is not legally entitled to receive the extra pay aforesaid, or if any officer or other person shall counsel, aid or assist any such person to apply for the extra pay aforesaid, knowing that the person so applying is not legally entitled thereto, the person so offending, in addition to any civil liability therefor, shall be liable to indictment, as for a misdemeanor, and if convicted, shall be punished by fine and imprisonment, at the discretion of the court.

Commanding officers of regiments, &c. to make monthly reports to adjutant general, of deaths, desertions, &c.

SECTION 12. The commanding officers of all regiments, companies or other military organizations from this state, or in which are any soldiers whose residences are in this state, shall report to the adjutant-general of Wisconsin, on the first day of each month, or as soon thereafter as practicable, the names of all non-commissioned officers, musicians or privates who have died, deserted, been made prisoners by the enemy, or honorably discharged, or dishonorably dismissed the service, since their last report, with the respective dates of such deaths, desertions, discharges or dismissals, a copy of which report shall be forthwith transmitted by the adjutant-general to the secretary of state. If the commanding officers aforesaid, shall fail or neglect to make the report as aforesaid for the space of twenty days after the time appointed in this section, then the secretary of state shall withhold all warrants for such extra pay to the members of such delinquent regiment, company or body of volunteers, until full and complete returns shall have been received: *provided*, that whenever in the absence of any monthly report, as required in this section, the commanding officer of any regiment, company or battery shall certify, to the satisfaction of the adjutant-general, that any volunteer or drafted man was, at the date of his certificate, with his company, or in the line of duty, or whenever it shall appear from the allotment accounts in the office of the state treasurer, that allotment money has been received from any soldier to a date subsequently to that of the last monthly

If not made, secretary to withhold warrants.

When applications may be audited in absence of reports.

report, the secretary of state shall draw his warrant on the war fund for such amount as may be due to the date of said certificate, or the date to which said allotment money has been received.

Governor to notify war department of neglect of officers to report.

SECTION 13. When the commanding officer of any regiment of infantry or cavalry, or battery of artillery, or company aforesaid, shall refuse or neglect to make the returns required by the provisions of this act, then the governor shall be required to notify the war department of such neglect or refusal, and request the said department to require the said commanding officers to make the requisite reports within a reasonable time, or be dismissed the service for such neglect or refusal.

Members of invalid corps entitled to extra pay.

SECTION 14. Any enlisted or drafted man entitled to the benefits of this law, who may have been or may hereafter be assigned to duty in the invalid corps, U. S. A., by order of the war department, shall not, by reason of such order, be debarred from the same: *provided*, that the commanding officers of companies, battalions or regiments in the said invalid corps, in which he may be serving, shall make monthly to the adjutant-general of this state, such a report as is required of commanding officers of Wisconsin troops, by the preceding sections. And this act shall be taken and construed so as to apply to soldiers who have been or may be discharged, and who subsequently enlisted or [may] enlist in the invalid corps.

Secretary of state to cause copies of this act to be sent to officers of regiments, &c.

SECTION 15. The secretary of state shall cause copies of this act to be sent to the officers of every regiment and battery of Wisconsin volunteers, every regiment and battery of drafted men, any and every military organization in which are any volunteers or drafted men who reside in this state; and the governor shall transmit a copy hereof to the war department at Washington, and request that said department may order the proper commanding officers to make the reports mentioned in sections twelve, thirteen and fourteen of this act.

Appropriation.

SECTION 16. There is hereby appropriated out of the war fund, not otherwise appropriated, a sum of money sufficient to pay all expenditures authorized by or incurred under this act.

Repeal.

SECTION 17. Chapter eight of the laws passed at the extra session held in 1861, entitled "an act to pro-

vide for the aid of volunteers in the service of the United States or of this state," and chapters one hundred and twelve and three hundred and seventy-four of the general laws of 1862, chapter four of the laws passed at the extra session of 1862, and chapters one hundred and sixty-two and two hundred and sixty-four of the general laws of 1863, being amendatory and explanatory of and supplemental to said chapter eight of the laws of the extra session of 1861, aforesaid, having been revised and consolidated in this act, (*be and the same*) are hereby repealed: *provided, however*, that such repeal of said acts, or of any or either of them, shall not in any wise release or discharge any person or persons, officer or officers, from any liability, civil or criminal, incurred in violation of the provisions of said acts, or of any or either of them; but all such liabilities shall continue, and the secretary of state shall cause the same to be prosecuted to judgment, in like manner and to the same extent as if said act or acts had not been repealed.

Repeal not to release any person who may have violated provisions of acts repealed.

Secretary of state to prosecute such persons.

Printed copies of this act to be distributed, &c.

SECTION 18. The secretary of state shall cause this act to be published immediately, and shall forthwith send a printed copy hereof to each justice of the peace and to the chairman of each town board of supervisors in this state; and this act shall take effect and be in force from and after its passage.

Approved March 8, 1864.

CHAPTER 118.

[*Published March* 12, 1864.]

AN ACT to authorize the secretary of state to audit the account of Charles May.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority.

SECTION 1. The secretary of state is hereby authorized and directed to audit the account of Charles May, the same as though the account had been presented for payment within the time limited by law for the presentation of such accounts.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1864.

CHAPTER 119.

[*Published March* 11, 1864.]

AN ACT relating to and conferring civil jurisdiction upon the county court of Douglas county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby conferred on the county court of Douglas county, jurisdiction in all civil actions, both as to matters of law and equity, equal to and commensurate with that of the circuit court of Douglas county, and the said county court shall exercise the same powers and jurisdiction in all civil actions, as are now exercised by the said circuit court: *provided*, that the value of property or the amount of money in controversy in any action in said county court, exclusive of costs, shall not exceed twenty thousand dollars.

Jurisdiction made equal to that of circuit court.

Amount in controversy limited.

SECTION 2. The general provisions of the statutes of Wisconsin, that may at any time be in force relative to the circuit courts of this state, shall relate also to the said county court, unless inapplicable thereto: *provided*, the jurisdiction be limited to the amount of money and value of property aforesaid; and the rules and practice prescribed by the supreme court for circuit courts, shall be the rules and practice for said county court, except as to the style of the court and other mere matters of form; but said county court may make additional rules for the practice in said court, not inconsistent with the said circuit court rules.

Statutes applicable.

Rules of practice

SECTION 3. The clerk of the circuit court shall perform the duties of the clerk of the county court, and shall receive the fees that are or may be prescribed by law for the clerk of the circuit court; and he shall, from the panel of jurors for said county of Douglas, in conjunction with the sheriff, under sheriff or deputy sheriff of said county, twenty days before each jury term of

Clerk.

Drawing of juries.

said court, draw from the list of jurors at such time liable to serve as jurors for the circuit court, a number of jurors for such term, not exceeding the number required by law for the circuit court, and not less than twenty-four, as may be ordered by said county judge, which said jurors so drawn, shall be summoned in like manner as jurors are summoned for the circuit court.

Terms of court.

SECTION 4. There shall be not less than two nor more than four jury terms of said county court annually, and such other terms for the trial of causes and transaction of business in said court, not requiring a jury, as the judge of said court may appoint, not exceeding two, all of said terms to be appointed by the written order of said judge within twenty days after this act shall take effect, and which shall not be changed except upon the publication in some newspaper of the county of Douglas of a notice of such change, for three months prior thereto. And if no paper be regularly published in said county, such notices or orders shall be posted up in three separate public places in said county, one of which shall be in the office the of clerk of the county court of said county.

How appointed.

Change of venue.

SECTION 5. Whenever the place of trial of any action in said county court shall be changed on account of the jurisdiction of the judge thereof, or because he shall be interested or shall have been counsel therein, the place of trial shall be changed to the circuit court of said county, unless it shall appear that one of the said objections shall apply to the judge of said circuit court; and the removal of causes from said circuit court shall be made, under like restrictions, to the county court: *provided*, such last mentioned cause, so removed from the circuit court, shall be within the jurisdiction of said county court.

Proviso.

Salary of judge—when to be fixed.

SECTION 6. The salary of said county judge shall be fixed by the county board of supervisors of said county, at their annual meeting in the November immediately preceding the commencement of the term of office of said county judge, and shall be paid by the county of Douglas, and all fees in civil actions in said court, now provided for by law, shall be collected and paid into the county treasury, and said county shall provide all necessary books and stationery for the use of said county court: *provided*, that no part of this chapter, relating to salary or fees, shall apply to probate cases, or to the

Probate cases.

services of said judge while acting in probate matters.

SECTION 7. All appeals in civil actions from justices of the peace of the county of Douglas, shall be made to the county court. Appeals.

SECTION 8. All civil actions now pending in the circuit court of said county, and all judgments now docketed with the clerk of said circuit court, in conformity to chapter 67 of the general laws of 1863, in which the value of property or the amount of money in controversy shall not exceed twenty thousand dollars, are hereby transferred to said county court, and shall be deemed therein, the same as if originally brought in or appealed to said county court. Transfer of actions.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1864.

CHAPTER 120.

[*Published March* 28, 1864.]

AN ACT to amend section 1 of chapter 292 of the general laws of 1863, entitled "an act to amend section 21 of chapter 22 of the general laws of 1859, entitled 'an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-one of chapter twenty-two of the general laws of 1859, as amended by section three of chapter fifty-three of the general laws of 1860, is hereby amended, so as to read as follows: "Section 21. Upon the redemption of any lands sold for taxes, by payment to the clerk of the board of supervisors, such clerk shall execute to the person so redeeming, a receipt, specifying therein the name of the purchaser, the land redeemed and the amount of the redemption money paid on each parcel, separately, and also, in distinct items, the whole amount of penalties and advertising fees on the parcels embraced therein, and his fees for said receipt; and such clerk shall also enter on the Certificate of redemption. Duties of clerk and treasurer.

sale list kept by him, the name of the person redeeming, the sum paid therefor by him, (exclusive of fees as aforesaid,) and the time when paid, which receipt, before it shall be evidence of such redemption, shall be presented to the treasurer of the same county, and countersigned by him, and said treasurer shall also make a similar entry in the sale list kept by him, with that above required to be made by such clerk, and before said receipt shall be delivered to the person so redeeming: *provided, however*, that the clerk of the county board shall not be required to include in the same receipt of redemption, lands sold in different years.

Receipt to include taxes of one year only.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1864.

CHAPTER 121.

[*Published March* 12, 1864.]

AN ACT to authorize the clerk of the board of supervisors of Juneau county to cause to be published a list of certain unredeemed lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Publication of list of unredeemed lands authorized.

SECTION 1. The clerk of the board of supervisors of the county of Juneau, shall cause to be published in the newspaper published in said county, in which the publication should have been made during the year 1863, a list of all unredeemed lots and lands which were sold by the treasurer of said county in the year 1861, for the taxes, interest and charges thereon, which list shall specify each tract or lot, the name of the person to whom assessed, if to any, and the amount of taxes, charges and interest calculated to the last day of redemption, due on each parcel, together with a notice that unless such lands shall be redeemed on or before the first day of January next, they will be conveyed to the purchaser. Said list shall be published once a week for twelve successive weeks, at least six months before said first day of January, 1865; and such publication

is hereby made ample and sufficient in all respects, and on the completion thereof, said clerk shall give deeds for the lands then unredeemed, as he should have done if said publication had been made at the time and in the manner provided by law.

SECTION 2. So much of the provisions of section 16 of chapter 22 of the general laws of 1859, as are inconsistent with the provisions of this act, are, for the purposes of this act only, hereby repealed. Repeal.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1864.

CHAPTER 122.

[*Published March* 12, 1864.]

AN ACT to authorize the collection of a certain school tax in school district No. 5, of the town of Fond du Lac.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town clerk of the town of Fond du Lac, in the county of Fond du Lac, is hereby authorized and required to make out a copy of so much of the assessment roll of his town, for the year 1863, as pertains to or includes the taxable property, real and personal, lying and being in school district number five, of said town of Fond du Lac, and when so made out, to insert in said copy, properly computed and apportioned upon the valuation of said real and personal property, the sum of one hundred and twenty-six dollars and five cents, being the amount of the tax voted for school purposes at the last annual meeting held in and for said school district number five. Clerk to apportion tax of $126,-05.

SECTION 2. Upon completing said roll, said town clerk shall make out and annex thereto a warrant, directed to the treasurer of said school district number five, commanding said treasurer to collect from each of the taxable persons and corporations named in such tax list, and of the owners the real estate described therein, the several sums set opposite to the persons Collection of tax

and corporations so named, and to the several tracts of land so described, within forty days from the date thereof, and within ten days from the date of such warrant, to personally demand such tax of the persons charged therewith in such lists, if to be found within his town; and that if any such tax shall not be paid within said ten days, to collect the same by distress and sale of property, in the same manner as town treasurers are authorized to collect town and county taxes; and the said treasurer shall execute said warrant and return the same to the said town clerk, at the expiration of the time limited therein for the collection of such tax list. Said district treasurer may execute the tax warrant aforesaid in any other district in his town, and in any other town in his county; and he shall be entitled to the same fees for his services as town treasurers are entitled to receive for similar services.

Return of delinquent taxes.

SECTION 3. If the district treasurer aforesaid shall be unable to collect any portion of said taxes, he shall make out and deliver to the town clerk of his town, a statement in writing, containing a description of the lots and pieces of land upon which such taxes remain so unpaid, together with the amount of tax assessed to each, and he shall make and subscribe an affidavit to such statement, before some justice of the peace or other person authorized to administer oaths, that the taxes mentioned in such statement remain unpaid, and that after diligent efforts he has been unable to collect the same.

Collection of delinquent taxes.

SECTION 4. The said town clerk shall, in making out the duplicate assessment roll of his town for the year 1864, enter such unpaid taxes in a separate column therein, opposite to the description of the land upon which the taxes so remain unpaid, and such taxes shall be collected in the same manner as town and county taxes are collected, and when so collected shall be paid over to the treasurer of the district in which such taxes were originally assessed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1864.

CHAPTER 123.

[*Published March* 12, 1864.]

AN ACT to amend an act entitled "an act to amend and consolidate an act entitled 'an act to incorporate the city of Racine, in the county of Racine,' approved August 8th, 1848, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section fifty-six of "an act to amend and consolidate an act entitled 'an act to incorporate the city of Racine, in the county of Racine,' approved August 8th, 1848, and the several acts amendatory thereof," [approved March 22, 1861,] is hereby amended, by adding thereto the following: "Said city council shall have power to provide by ordinance for dredging Root river, on both sides thereof, not exceeding one hundred feet in width, and to require of the several owners of lots or any portion thereof, abutting on said river, to do such dredging as may be required opposite such lots to the width aforesaid, in such manner and to such depth, and within such time, as the council may direct; and if the owner or owners of such lot or lots shall refuse or neglect, within the time specified by said council, to do such dredging, the city council are hereby authorized and empowered to let such dredging by contract, to the lowest bidder for the same; and when it shall be completed according to such contract and accepted by the council, the mayor and city clerk shall issue a certificate to such contractor, as provided in section fifty-seven of this act, for the contract price of the work, which certificate shall from that time be a lien upon said lot or lots, the same as other special assessments, and shall be collected in the same manner as the taxes assessed on real estate are collected. But no part of the expense of any such dredging shall be paid by the city." Dredging of Root river.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1864.

CHAPTER 124.

[*Published March* 12, 1864.]

AN ACT relating to the levy and collection of the special tax voted in the town of Burke, Dane county, at a town meeting held February 27th, 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proceedings legalized.

SECTION 1. All the proceedings prior to and of the special town meeting of the town Burke, Dane county, held February 27th, 1864, are hereby legalized and declared valid and binding, for all intents and purposes; and the town clerk of said town is hereby authorized and instructed immediately to enter the tax voted at such meeting upon the assessment roll upon which the last state, county and town taxes were entered, in the same manner as other taxes are required to be apportioned and entered upon the assessment roll: *provided*, that if the supervisors of the said town of Burke shall certify to the town clerk that in their opinion a copy of said assessment roll is necessary, upon which to apportion and carry out said special tax, it shall be the duty of the said clerk to make such copy and enter said tax thereon.

Apportionment of tax.

Copy of assessment roll may be made.

Warrant.

SECTION 2. Whenever the town clerk of said town shall have apportioned said tax and entered the same upon the assessment roll, he shall deliver the same into the hands of the town treasurer, together with his warrant in the usual form, commanding him to proceed immediately to collect said special tax.

Collection of tax.

SECTION 3. It shall be the duty of the treasurer of said town of Burke, whenever the assement roll containing the tax and warrant of the clerk mentioned in section two of this act shall have been placed in his hands, to proceed immediately to collect said special tax; and for that purpose he shall have all the power to demand and enforce the payment of such tax, as is now invested in town treasurers by law for the collection of other taxes; and the time for collection of such tax, and all other taxes, and for making returns of delinquent taxes of said town of Burke, is hereby extended until the first day of April, A. D. 1864.

Time extended.

Return of delinquent taxes, &c.

SECTION 4. It shall be the duty of the town treas-

urer of the said town of Burke, on or before the first day of April next, to make returns to the county treasurer of the county of Dane of the delinquent taxes upon the assessment roll or rolls in his hands, in the same manner as now provided by law for the return of delinquent taxes; and such county treasurer shall receive and treat such returned delinquent taxes in the same manner as now provided for by law in relation to unpaid taxes.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 8, 1864.

CHAPTER 125.

[*Published March* 14, 1864.]

AN ACT to authorize the supervisors of the town of Koskonong to borrow money and issue the bonds of said town, for the purposes therein mentioned.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Supervisors authorized to borrow $10,000 to pay bonds issued to Ch., St. P. and F. du Lac R. R.

SECTION 1. The supervisors of the town of Koskonong, in the county of Jefferson, are hereby authorized to borrow a sum of money, not exceeding in the aggregate ten thousand dollars, in such manner as they shall determine, on the credit of said town, for the purpose of compromising, settling and discharging, upon such basis as may be agreed upon, certain claims or bonds issued by said town to the Chicago, St. Paul and Fond du Lac railroad company. Said bonds shall be signed by the chairman and countersigned by the clerk, and be of denominations of from one to five hundred dollars, and payable at some period not exceeding five years from their date, with annual interest at seven per cent. payable annually, to be payable at such place as the supervisors may think proper.

How to be signed, denomination, when payable, &c

Faith of town pledged.

SECTION 2. The faith and credit of said town of Koskonong shall be and remain irrevocably pledged to the payment of the principal and interest of the bonds issued pursuant to this act, and the same, when due,

shall at all times be received in payment for town taxes of said town; and the said supervisors shall, so often as the principal or interest on said bonds shall become due, levy and cause to be collected a tax upon the taxable property of said town, sufficient to pay said principal and interest, and such money, when collected, shall be faithfully applied to the payment of the same, and for no other purpose.

Tax for principal and interest.

Sale of stock.

SECTION 3. The said supervisors are also authorized and empowered to use, sell and convert or exchange any stock of said railroad company belonging to said town, and apply the proceeds in liquidation or settlement of said bonds so issued to said company.

Town may vote tax to liquidate bonds, &c.

SECTION 4. The qualified voters of said town, at any annual or special meeting, may vote a tax upon the taxable property of said town, for the purpose of raising money to settle, liquidate or compromise any of the bonds so issued to said railroad company; and any advances made by any one to purchase, compromise or settle said railroad bonds, at the request of the supervisors of said town, or any agreement, contract [or] promise as aforesaid, made by said supervisors to induce or procure an advance of money to take up or purchase said bonds, shall be binding upon said town, and shall be carried out and be a legal and subsisting claim against said tax.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1864.

CHAPTER 126.

[*Published March* 15, 1864.]

AN ACT to incorporate the Little Wolf river log-driving company.

(*See supplement to local laws.*)

CHAPTER 127.

[*Published March* 14, 1864.]

AN ACT relating to the county court of Fond du Lac county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby conferred on the county court of Fond du Lac county, jurisdiction in all civil actions, both as to matters of law and equity, equal to and commensurate with that of the circuit court of Fond du Lac county; and the said county court shall exercise the same powers and jurisdiction in all civil actions, as are now exercised by the said circuit court: *provided*, that the value of property or the amount of money in controversy, in any action in said county court, exclusive of costs, shall not exceed twenty thousand dollars.

Jurisdiction made equal to that of circuit court.

Amount in controversy limited.

SECTION 2. The general provisions of the statutes of Wisconsin, that may at any time be in force relative to the circuit courts of this state, shall relate also to the said county court; unless inapplicable: *provided*, the jurisdiction be limited to the amount of money and value of property aforesaid; and the rules and practice prescribed by the supreme court for circuit courts, shall be the rules of practice for said county court, except as to the style of the court and other mere matters of form; but said county court may make additional rules for the practice in said court, not inconsistent with said circuit court rules.

Statutes applicable.

Rules of practice

SECTION 3. The clerk of the circuit court shall perform the duties of clerk of the county court, and shall receive the fees that are or may be prescribed by law for the clerk of the circuit court; and he shall, from the panel of jurors for said county of Fond du Lac, in conjunction with the sheriff, under sheriff or deputy sheriff of said county, twenty days before each jury term of said court, draw from the list of jurors at such time liable to serve as jurors for the circuit court, a number of jurors for such term, not exceeding the number required by law for the circuit court, and not less than twenty-four, as may be ordered by the county judge, which said jurors, so drawn, shall be summoned in like manner as jurors are summoned for the circuit court.

Clerk.

Drawing of jurors.

Terms of court.

SECTION 4. There shall be not less than one nor more than four jury terms of said county court annually, and such other terms for the trial of causes and transaction of business in said court, not requiring a jury, as the judge of said court may appoint, all of said terms to be appointed by the written order of said judge, within twenty days after this act shall take effect, and which shall not be changed except upon the publication in some newspaper of the county of Fond du Lac, of a notice of such change, for three months prior thereto.

How appointed.

Change of venue.

SECTION 5. Whenever the place of trial of any action in said county court shall be changed on account of the prejudice of the judge thereof, or because he shall be interested or have been counsel therein, the place of trial shall be changed to the circuit court of said county, or to the municipal court of the city and town of Ripon, unless it shall appear that one of the said objections shall apply to the judge of said circuit court or to the judge of said municipal court, and the removal of causes from said circuit court or said municipal court, may be made for like objections under like restrictions to the county court: *provided*, such last mentioned cause, so removed from the circuit court or municipal court, shall be within the jurisdiction of said county court.

Proviso.

Salary of judge.

SECTION 6. The salary of said county judge shall be one thousand dollars per annum, and shall be paid by the county of Fond du Lac, and said county shall provide all necessary books and stationery for the use of said county court.

Appeals.

SECTION 7. All appeals in civil actions from justices of the peace of the county of Fond du Lac, shall be made to the county court: *provided*, that this act shall not extend to appeals which by law are to be made to the municipal court of the city and town of Ripon.

Suit tax.

SECTION 8. There shall be paid by the party who shall bring suit in said county court, or who shall bring an appeal thereto, a tax of three dollars, to be paid into the county treasury, and a jury fee in cases tried by a jury, the further sum of two dollars, also to be paid into the county treasury, such tax and jury fee to be taxed against the losing party.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1864.

CHAPTER 128.

[*Published March* 14, 1864.]

AN ACT to authorize the collection of a special tax in the town of Amherst, county of Portage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The tax voted at a special town meeting held in the town of Amherst, in the county of Portage, on the 27th day of February, 1864, for the purpose of paying bounties to volunteers, may be collected, and the delinquent portion thereof returned, in the manner provided by sections three, four, five, six, seven and eight of chapter thirty-nine of the general laws of 1864, and with the same force and effect as if said meeting had been called and held as provided by said chapter thirty-nine, prior to the 25th day of February, 1864: *provided*, that the town treasurer may retain the assessment roll until the first day of May next, before making return of the delinquent tax, which return shall be made to the town clerk of said town of Amherst.

Bounty tax may be collected.

When return to be made.

SECTION 2. The said town clerk shall include such delinquent tax in the next general assessment roll, against the proper descriptions of land and names, and such tax shall be collected and returned and in all respects treated as other taxes are in such general assessment roll.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1864.

CHAPTER 129.

[*Published March* 14, 1864.]

AN ACT to authorize the collection of taxes for volunteering purposes in the town of Westfield, Marquette county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax may be collected.

SECTION 1. The town treasurer of the town of Westfield, Marquette county, is hereby authorized and directed to collect all the taxes which were voted on the taxable property in and for said town of Westfield, Marquette county, in accordance with and agreeably to the acts and provisions made at a special town meeting or election held in said town on the fourth day of February, A. D. 1864, for the purpose of raising bounties for volunteers: *provided*, that no tax shall be levied and collected for veteran volunteers credited to said town.

No bounty to veterans.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1864.

CHAPTER 130.

[*Published March* 14, 1864.]

AN ACT to authorize the collection of a special tax in the town of Aurora, in the county of Waushara.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax may be collected.

SECTION 1. The tax voted at a special town meeting held in and for the town of Aurora, in the county of Waushara, on the 27th day of February, 1864, for the purpose of paying bounties to volunteers, may be collected, and the delinquent portion thereof returned, in the manner prescribed by sections three, four, five, six, seven and eight of chapter thirty-nine of the general laws of 1864, and with the same force and effect as if said meeting had been called and held as provided by said chapter thirty-nine, prior to the 25th of February,

1864, anything in said chapter thirty-nine to the contrary notwithstanding.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1864.

CHAPTER 131.

[*Published March* 16, 1864.]

AN ACT to incorporate the Yellow river log-driving association.

(*See supplement to local laws.*)

CHAPTER 132.

[*Published March* 16, 1864.]

AN ACT to amend an act entitled "an act to incorporate the Sinsinawa Mound college."

(*See supplement to local laws.*)

CHAPTER 133.

[*Published March* 17, 1864.]

AN ACT to authorize certain towns in Juneau county to raise money by tax, for the construction of a road.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

$200 may be raised in each town.

SECTION 1. The qualified electors of the towns of Necedah, Lemonwier, Seven Mile Creek and village of Mauston, shall have power, at the annual meeting thereof, to vote to raise by tax such sum or sums of money

as they may deem necessary, (not exceeding the sum of five hundred dollars in any one of said towns,) to be expended by the supervisors of each of said towns and by the trustees of said village, for the construction of a road from the village of Mauston to the town of Necedah.

SECTION 2. This act shall be in force from and after its passage.

Approved March 15, 1864.

CHAPTER 134.

[*Published March* 17, 1864.]

AN ACT to lay out a road from Mauston, in Juneau county, to Dexter, in Wood county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners.

SECTION 1. F. E. Grimmer and Thomas Weston, of Juneau county, and George Hiles, of Wood county, are hereby appointed commissioners to lay out a road from Mauston, in Juneau county, to Dexter, in Wood county.

Their compensation.

SECTION 2. Said commissioners shall be entitled to such compensation only as may be determined by the boards of supervisors of the counties through which the road may pass: *provided*, that no part of the expense of laying out and establishing said road shall be paid out of the state treasury.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 15, 1864.

CHAPTER 135.

[*Published March* 17, 1864.]

AN ACT to legalize the acts of certain town meetings held in the town of Argyle, in the county of La Fayette, at which bounties were voted to persons who may enter or may have entered the military service of the United States, to the credit of said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Meetings and bounty tax legalized.

SECTION 1. The proceedings of two special town meetings of the town of Argyle, in the county of La Fayette, at which a bounty was voted to persons who may enter or may have entered the military service of the United States, to the credit of said town, the first held on the 5th day of January, 1864, the second held on 16th day of February, 1864, and the taxes voted to be levied and collected in pursuance thereof, are hereby made and declared to be legal and valid to all intents and purposes, notwithstanding any errors and omissions in calling or conducting either of said meetings, or in levying said tax.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1864.

CHAPTER 136.

[*Published March* 17, 1864.]

AN ACT to authorize the town of Taycheedah, in the county of Fond du Lac, to issue orders upon the treasurer of said town in accordance with a vote of said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Orders may be issued to pay bounties to volunteers.

SECTION 1. The chairman of the town of Taycheedah, in the county of Fond du Lac, and the clerk of the said town, shall issue and respectively sign and countersign orders drawing interest at the rate of seven per centum per annum, in accordance with a vote of said town, to an amount not exceeding two thousand

dollars, upon the treasurer of said town, who shall pay the same from any funds in his hands belonging to the bounty fund; and for the payment of such interest as may be due and unpaid upon any of the orders so issued, the supervisors of said town may cause to be transferred from the general fund of said town to the said bounty fund, all necessary funds to an amount sufficient to pay the interest which may have accrued upon any such orders.

Transfer of funds to bounty fund.

Orders receivable for tax.

SECTION 2. The orders so issued shall be accepted by the treasurer of said town in payment of the tax levied for the creation of said bounty fund; and at the time of the receipt by him of any of the orders so issued, he shall indorse upon the order or orders so received, the date of reception and the amount for which any such order was so received by him, and the interest shall cease upon all orders from the date of their respective reception by said treasurer.

Duty of treasurer on receipt or orders.

Orders only payable from bounty fund.

SECTION 3. The treasurer of the town of Taycheedah aforesaid, shall pay all orders so drawn from the fund for such purposes provided, and from no other.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 15, 1864.

CHAPTER 137.

[*Published March 22, 1864.*]

AN ACT to amend section 5 of chapter ten of the revised statutes, entitled "of state officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary of lieutenant governor, while acting governor.

SECTION 1. Section five of chapter ten of the revised statutes is hereby amended, so as to read as follows: "Whenever, from any cause, the powers and duties of the office of governor shall devolve upon the lieutenant governor, he shall receive [as] compensation for such services, the sum of five dollars per day for the time actually employed, to be audited by the secretary of state, and drawn from the treasury upon his warrant; and a

sum sufficient to pay such compensation is hereby appropriated out of any money in the treasury not otherwise appropriated."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 138.

[*Published March* 21, 1864.]

AN ACT to change the name of the village of Stanton, in the county of Portage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The name of the village of Stanton, in the county of Portage, is hereby changed to Plover, and it shall hereafter be known in law and otherwise by that name; and the inhabitants of the district of country described in section one of chapter two hundred and seventy-eight of the private and local laws of 1857, entitled "an act to incorporate the village of Algernon," and in section one of chapter two hundred and three of the private and local laws of 1858, entitled "an act to amend an act entitled 'an act to incorporate the village of Algernon,'" shall hereafter be known by the name, style and title of the "president and trustees of the village of Plover." Name changed to Plover.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 139.

[*Published March* 21, 1864.]

AN ACT to authorise and empower Abelllard L. D. A. Duchateau to build and maintain a dock and pier extending into Green Bay.

(*See supplement to local laws.*)

CHAPTER 140.

[*Published March* 21, 1864.]

AN ACT to legalize a special town meeting in the town of Springfield, in the county of Dane, held February 27th, 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Meeting and bounty tax legalized.

SECTION 1. The special town meeting of the town of Springfield, in the county of Dane, held on the 27th day of February, A. D. 1864, for the purpose of voting to raise a tax to pay extra bounties to volunteers into the military service of this state or the United States, is hereby declared legal and valid for all intents and purposes for which the same was held; and all acts done in pursuance of the vote or votes of said meeting by the officers of said town or any of them, are hereby delared valid, the same as if the law had been fully complied with in notifying and conducting said meeting; and the tax voted at said meeting shall be levied and collected the same as now provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 141.

[*Published March* 21, 1864.]

AN ACT to legalize the proceedings of a certain town meeting in the town of Herman, in the county of Dodge.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Meeting and bounty tax legalized.

SECTION 1. All the proceedings of a town meeting held in the town of Herman, in the county of Dodge, on the fifteenth day of February, 1864, are hereby declared to be legal and valid, and the proper officers are hereby authorized to levy and collect the tax voted to be raised at such meeting to pay bounties to volunteers.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 142.

[*Published March* 21, 1864.]

AN ACT to change the place of holding the next annual town meeting in the town of Oak Grove, in Pierce county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The next annual town meeting for the town of Oak Grove, in Pierce county, shall be held at the school house in school district No. one, in said town, and it shall be the duty of the town clerk thereof to give notice for the holding of such (*said*) meeting in accordance with the provisions of this act.

To be held in school house in District No. 1.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 143.

[*Published March* 22, 1864.]

AN ACT to provide for the proper reception by the state, of Wisconsin volunteers returning from the field or service of the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Upon the return to this state of any veteran regiment, company or battery of Wisconsin volunteers from the field, or on the expiration of the term of service of any regiment, company or battery of Wisconsin volunteers in the service of the United States, and its return to this state, the governor is hereby authorized to provide for it a suitable reception and entertainment, at an expense not exceeding fifty cents for each man composing such regiment, company or battery.

Reception and entertainment of veteran regiments, &c.

SECTION 2. There is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum sufficient to pay the expense of any such reception

Appropriation.

that may have been or may hereafter be ordered by the governor; and the secretary of state is authorized to audit and allow all accounts for the purposes specified in section one of this act, and draw his warrant on the treasury for the same.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 144.

[*Published March* 21, 1864.]

AN ACT to repeal chapter one hundred and twelve of the private and local [general] laws of 1860, entitled "an act to incorporate the village of Pepin."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Chapter one hundred and twelve of the private and local [general] laws of eighteen hundred and sixty, entitled "an act to incorporate the village of Pepin," is hereby repealed.

Moneys belonging to village to be expended on highways.

SECTION 2. All moneys belonging to said village, now in the hands of any officer thereof, shall, within thirty days after the passage of this act, be paid over to the town treasurer of the town of Pepin, and be expended in the improvement of the highways within the present limits of said village, as other moneys are expended on highways by the proper authorities of said town; and all delinquent taxes hereafter collected by the county treasurer or other county officer of the county of Pepin, for said village, shall be paid to the said town treasurer, and be expended in like manner.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1864.

CHAPTER 145.

[*Published March* 21, 1864.]

AN ACT to repeal chapter three hundred and fifty-two of the private and local [general] laws of the year 1862, entitled "an act to authorize the village of Two Rivers, in the county of Manitowoc, to construct and maintain bridges across the East and West Twin rivers, within the corporate limits of said village."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter three hundred and fifty-two of the private and local [general] laws of the year 1862, entitled "an act authorize the village of Two Rivers, in the county of Manitowoc, to construct and maintain bridges across the East and West Twin rivers, within the corporate limits of said village," is hereby repealed. Repeal.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 146.

[*Published March* 21, 1864.]

AN ACT to provide for maintaining and repairing bridges in the village of Two Rivers, in the county of Manitowoc.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The supervisors of the town of Two Rivers, in the county of Manitowoc, by virtue of their office shall have the care and superintendence of all the bridges within the corporate limits of the village of Two Rivers, in said town, the same as if said village was not incorporated; and it shall be their duty to cause the bridges which now are or hereafter may be erected in said village, over streams intersecting high ways, to be kept in repair. Supervisors to have care of bridges.

SECTION 2. The said village of Two Rivers shall be taken and deemed to be a part of the town of Two Building, &c. of bridges.

Rivers for the purpose of building, repairing and maintaining bridges in said town and village; and all taxes voted for repairing, building or maintaining bridges as aforesaid, shall be collected in the same manner that other town taxes are collected.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 147.

[*Published March* 21, 1864.]

AN ACT to amend chapter 347 of the private and local [general] laws of 1863, entitled "an act granting Frank Ives the right to establish and maintain a ferry across the Mississippi river."

(*See supplement to local laws.*)

CHAPTER 148.

[*Published March* 22, 1864.]

AN ACT to provide for laying out a state road from Platteville, in Grant county, to Calamine, in La Fayette county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners.

SECTION 1. William Jeffrey and John Neff, of La Fayette county, and Farnum Johnson, of Grant county, are hereby appointed commissioners to lay out and establish a state road from Platteville, in Grant county, to Calamine, in La Fayette county.

Their compensation.

SECTION 2. The said commissioners shall receive such compensation for the time and services actually spent in laying out said road as may be allowed by the county boards of supervisors of the counties through which said road shall be laid, and no part of the expense thereof shall be paid by the state.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1864.

CHAPTER 149.

[*Published March* 21, 1864.]

AN ACT to extend the time for collection of the tax levied to pay bounties to volunteers, in the town of Watertown, in the county of Jefferson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for collecting the special tax to be paid as bounties to volunteers, in the town of Watertown, in the county of Jefferson, is hereby extended to the first day of April, A. D. 1864, and the tax warrant now in the hands of the town treasurer of said town, is hereby extended and continued in full force in all its provisions, till the said first day of April, 1864. If such town treasurer shall be unable to collect any portion of the taxes entered upon his tax list, he shall make return of such delinquent taxes and of the land on which the same were levied, on or before the said first day of April, 1864, to the county treasurer of said county of Jefferson. Such delinquent return shall be in the form and shall be verified in the manner prescribed by law for the return of other delinquent taxes; and the said county treasurer shall thereupon proceed therewith in the manner provided by sections seven and eight of chapter thirty-nine of the general laws of 1864.

Time extended to April 1.

Return of delinquent taxes, and collection of same.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 150.

[*Published March 21, 1864.*]

AN ACT to appropriate the sum of eight thousand dollars for the purchase of stationery for the use of the state officers and the next legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation for stationery.

SECTION 1. The sum of eight thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purchase of stationery for the use of the state officers and the legislature, for the ensuing year. The said sum of eight thousand dollars may be drawn from the treasury by the superintendent of public property, after he shall have given bonds, as required by section seven of chapter twenty-seven of the revised statutes.

Approved March 18, 1864.

CHAPTER 151.

[*Published March 24, 1864.*]

AN ACT to legalize the town meeting of the town of Wheatland, Kenosha county, held February 20th, 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Meeting and bounty tax legalized.

SECTION 1. The special town meeting of the town of Wheatland, in Kenosha county, held on the twentieth day of February, 1864, for the purpose of raising a tax of twenty-six hundred and twenty-five dollars, to pay extra bounties to volunteers into the military service of the United States, is hereby declared legal and valid for all intents and purposes for which the same was held; and all acts done in pursuance of the vote or votes of said meeting, by the officers of said town or any of them, are hereby declared valid, the same as if the law had been fully complied with in notifying or conducting said meeting.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 152.

[*Published March* 22, 1864.]

AN ACT to vacate the village plat of Delhi.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The plat of blocks, lots, streets and alleys of the village of Delhi, in the town of Rushford, Winnebago county, is hereby vacated, and the same shall be assessed in future in like manner as other farming lands. Vacated.

SECTION 2. This act shall not be construed so as to prevent the town of Rushford from claiming (free of expense) all streets in said village which connect with the highways leading to and from said village. Certain streets may be claimed by town.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1864.

CHAPTER 153.

[*Published March* 24, 1864.]

AN ACT to authorize the levy and collection of a special tax to pay bounties to volunteers, in the town of Farmington, Polk county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The special town meeting held on the twenty-ninth day of December, one thousand eight hundred and sixty-three, pursuant to public notice, in the town of Farmington, Polk county, for the purpose of voting to raise money, by tax, in said town, to Meeting and bounty tax legalized.

pay bounties to volunteers, shall be deemed to have been legal in all respects, and the action taken by the voters at said meeting shall be as binding as if said meeting had been called and conducted entirely according to law; and the town officers of said town are hereby authorized and required to levy and collect the tax so voted at said special town meeting, at any time after the passage of this act, in the same manner as taxes legally voted at any town meeting duly called and held, are required by law to be levied and collected; and if said officers shall have collected or shall have proceeded to collect said tax in the manner directed by this act, the same shall be and is hereby declared legal.

Levy and collection of tax.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 154.

[*Published March* 22, 1864.]

AN ACT to authorize the levy and collection of a special tax to pay bounties to volunteers, in the town of Saint Croix Falls, Polk county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Meeting and bounty tax legalized.

SECTION 1. The special town meeting held on the fourth day of January, one thousand eight hundred and sixty-four, pursuant to public notice, in the town of Saint Croix Falls, Polk county, for the purpose of voting to raise money, by tax, in said town, to pay bounties to volunteers, shall be deemed to have been legal in all respects, and the action taken by the voters at said meeting shall be as binding as if said meeting had been called and conducted entirely according to law; and the town officers of said town are hereby authorized and required to levy and collect the tax so voted at said special town meeting, at any time after the passage of this act, in the same manner as taxes legally voted at any town meeting duly called and held, are

Levy and collection of tax.

required by law to be levied and collected; and if said officers shall have collected or shall have proceeded to collect said tax in the manner directed by this act, the same shall be and is hereby declared legal.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 155.

[*Published March* 23, 1864.]

AN ACT to legalize the official acts of James S. Murphy, as justice of the peace of the town of Center, La Fayette county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the official acts performed by James S. Murphy, as justice of the peace in the town of Center, La Fayette county, in this state, during the year 1863, so far as the same are consistent with the general laws of this state, are hereby legalized and declared to be as valid and binding in law, to all intents and purposes, the same as though the said James S. Murphy had been eligible to the office of justice of the peace during said year. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 156.

[*Published March* 24, 1864.]

AN ACT granting pre-emption rights to occupants of swamp and overflowed lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Occupants, &c. to have right to purchase land occupied, at minimum prices.

SECTION 1. Any resident of the state of Wisconsin, who shall reside upon or be in the actual occupancy, for agricultural purposes, of any of the swamp and overflowed lands now belonging to the state, which have never been offered at public sale, or of any of said lands which may hereafter be patented to the state by the general government, and shall have improvements thereon to the value of ten dollars per forty acres, previously to the first publication of the notice of the sale of said lands, shall have the right to purchase said lands at the minimum price of one dollar and twenty-five cents per acre, whenever the same shall be offered for sale, by proving his or her occupancy of and improvements upon such lands, in the manner hereinafter provided: *provided*, that no one person shall have the right to pre-empt and purchase more than one hundred and sixty acres of such lands to be by him or her settled, in legal subdivisions according to the government survey, and in a compact body; *and provided, further*, that no person claiming the right to occupy any of said lands, under the provisions of this chapter, shall be allowed to cut from said land more timber than is necessary for the use of said land, and that every person claiming the right of pre-emption to any of said lands, in pursuance of the provisions of this chapter, shall forfeit such right of pre-emption, if he or she shall fail to pay for the land so claimed within ten days of the time prescribed by law for the sale of the lands embraced in said claim.

Limit to pre-emption.

Cutting timber.

Person intending to pre-empt, to file with register of deeds, certificate, &c.

SECTION 2. Any person intending to avail himself or herself of the right of pre-emption, secured by the preceding section of this chapter, shall make or cause to be made a certificate in writing describing the lands claimed as his or her pre-emption right, and certifying that he or she claims the right of pre-emption to such lands; that it is his or her *bona fide* intention to pur-

chase such lands under his or her pre-emption claim, whenever the same shall be brought into market, and that he or she resides upon or is in the actual occupancy, for agricultural purposes, of said lands, and has made improvements thereon to the value of ten dollars per forty acres. Such certificate shall be signed by the person claiming the pre-emption, and the truth of such certificate signed and attested, shall be acknowledged by the party signing the same, before some person authorized to take the acknowledgment of deeds, and the same shall be recorded in the office of the register of deeds of the county in which the lands described in such certificate are situated; and any claimant of unsurveyed or unpatented lands, may describe the same by metes and bounds carefully defined, and in addition to the certificate herein referred to, parol evidence shall be received that said lands are swamp or overflowed lands.

Certificates to be recorded.

SECTION 3. The registers of deeds of the several counties in the state, shall record such certificates in a book to be kept by them for that purpose, and they shall receive the same fees for recording such certificates as they are authorized to receive for the recording of deeds.

Person causing certificate to be recorded, to have possession, &c. of lands described.

SECTION 4. Each and every person who shall have caused a certificate of his or her pre-emption claim to be made, attested and recorded, as provided in section two of this chapter, shall be entitled to the exclusive possession of the lands therein described, until such time as the same shall be brought into market for sale, or until he or she shall have forfeited his or her right to such pre-emption; and such certificate, or the record thereof, or a certified transcript of the record thereof, shall be sufficient evidence of title to enable the person making the same to maintain any action or actions against any person or persons in any court of competent jurisdiction, for any trespass or injury done to such lands, or to any buildings or improvements thereon, or to the timber, grass, grain or other products growing or being thereon, or any proper action or proceeding to recover possession thereof.

Lands to be sold when commissioners deem expedient.

SECTION 5. All the lands mentioned in this chapter shall be sold by the commissioners of school and university lands, whenever they shall deem it expedient to do so. Such sales shall be conducted in the manner pro-

vided by law for the sale of school and university lands, so far as said provisions may be applicable to and not inconsistent with the provisions of this chapter.

Pre-emptor to have right to purchase lands herein described.

SECTION 6. In all cases of pre-emption under the provisions of this chapter, the pre-emptor shall have the right to purchase in virtue of such pre-emption, one hundred and sixty acres of the lands mentioned in this chapter, and so pre-empted, at one dollar and twenty-five cents per acre. Any person having a right of pre-emption to any of the lands mentioned in this chapter, under any of the laws of this state, in force prior to the first day of July, one thousand eight hundred and fifty-seven, unless such right of pre-emption has been forfeited by the neglect of the pre-emptor to comply with the provisions of any such law, shall have the right to purchase such land in the manner provided in this chapter.

Proof that provisions of law have been complied with.

SECTION 7. Every pre-emptor shall, by the affidavit of at least two credible and disinterested persons, prove that he or she has complied with the provisions of this chapter, or of the law of this state in force at the time the pre-emption claim was made. Such affidavit shall be taken before some person authorized to administer oaths, and when completed, shall be filed with the register of deeds of the county wherein such pre-empted lands lie, or of the county to which it may be attached for county purposes. Such register shall on demand of or on behalf of every such pre-emptor, make out a true and complete copy of such affidavit as aforesaid, and of the declaratory statement of such pre-emptor as aforesaid, and over his official signature shall certify to the correctness and completeness thereof, in the same manner as by law required to make copies of the record of deeds, evidence. Copies of such declaratory statement and affidavit, certified as aforesaid, shall be by or on behalf of such pre-emptor filed with the secretary of state, and the whole purchase money paid at least ten days prior to the time appointed for the sale of the swamp and overflowed lands in the county where such pre-empted lands lie. A neglect to comply with the provisions of this chapter, shall be deemed and is hereby declared to be a waiver, surrender and forfeiture of all rights of said lands, in virtue of pre-emption rights.

Copies of statement, &c. to be filed with secretary of state.

Appeals may be taken to circuit court, &c.

SECTION 8. Either the secretary of state, state treasurer or attorney general, or any pre-emption claimant

or the contestant of such claimant, may proceed, by way of appeal, to the circuit court of the county wherein is situated any of said swamp or overflowed lands claimed by pre-emption rights, and in such court have the pre-emption right claim determined by a jury. In all such appeal proceedings, the appellant shall, within sixty days after the copies of the statements and affidavits mentioned in section seven of this chapter are filed with the secretary of state, procure a certified copy thereof from the said secretary of state, and file the same in the circuit court to which the appeal is taken, and the circuit court shall make rules prescribing the mode of procedure on such appeals. If on appeal the right claimed by pre-emption shall be determined against the pre-emption claimant, then in that and every such case the state treasurer shall refund to such claimant, his heirs, executors or administrators, the purchase money paid by him for the lands by him claimed.

U. S. survey be adopted.

SECTION 9. It shall be the duty of the commissioners of school and university lands to adopt, without appraisal or survey, the lines, boundaries and descriptions of the United States survey, as exhibited by the plats and field notes of the swamp and overflowed lands, and which plats and field notes they are hereby required to procure and pay for, as far as may be necessary, out of the proceeds of the sales of such lands; and the secretary of state is authorized to audit the accounts for such plats and field notes, and there is hereby appropriated out of the swamp land fund a sum of money sufficient to pay for the same.

Auditing of counts for plats.

SECTION 10. All acts or part of acts contravening the provisions of this act, are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1864.

CHAPTER 157.

[*Published March* 26, 1864.]

AN ACT to amend chapter thirty-five of the private and local laws of 1862, entitled "an act to incorporate the Eau Claire river log-driving company."

(*See supplement to local laws.*)

CHAPTER 158.

[*Published March* 24, 1864.]

AN ACT to authorize the town of Greenville, of the county of Outagamie, to facilitate the collection of the sum of thirty-six hundred dollars, voted by the said town on the 26th day of February, 1864, for the payment of bounties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Orders and bonds may be issued to pay bounties to volunteers.

SECTION 1. The chairman and clerk of the town of Greenville, of the county of Outagamie, are respectively authorized to sign and countersign town order and bonds drawing interest at the rate of seven per centum per annum: *provided*, that the total sum or amount so signed shall not exceed the sum of thirty-six hundred dollars, and shall be issued in payment of bounties or of repayment of moneys applied to the payment of bounties, as voted by said town.

Orders receivable for tax, &c.

SECTION 2. The town orders so issued shall be taken by the treasurer of said town in payment of the bounty tax authorized by the vote of said town; and the treasurer of said town shall indorse upon every order so received by him, the date of its reception by him, and the total sum for which it was received.

Payment of orders, &c.

SECTION 3. The treasurer of said town is authorized and required to pay to the holder thereof the amount of any such order, with the interest due thereon, from any unappropriated moneys belonging to such bounty fund as the town may have created applicable therefor; and the said treasurer shall indorse upon every such order the sum or amount paid therefor, and the date of pay-

ment, and such indorsement shall be receipted by the person to whom such payment shall be made.

SECTION 4. The treasurer of said town shall, from any unappropriated moneys of such bounty fund, in like manner pay, under like conditions of indorsement and receipt, the amount of any matured bond or bonds issued by the proper officers of said town for the purposes recited in section one of this act, and the interest thereon, and in like manner any unmatured bond of said town for such purposes issued, should the supervisors of said town so order and direct. Payment of bonds

SECTION 5. The supervisors of said town may transfer to said bounty fund from the general fund of said town, any unappropriated balance, not exceeding, however, a sum equal to the amount of accrued interest upon the town orders and bonds issued on account of the bounty fund. Transfer of funds

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 159.

[*Published March* 24, 1864.]

AN ACT to authorize the trustees of Middle Superior, Wisconsin, to make a new survey and plat thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The trustees of the town site of Middle Superior, in Douglas county, are hereby authorized to make a new survey and plat of said Middle Superior. New plat authorized.

SECTION 2. The plat of that portion of Middle Superior lying west of a continuation of Division avenue, in Superior City, to the bay of Superior, shall conform to or connect with the streets of said Superior City, as per the trustees' recorded plat thereof, and that portion lying east of said Division avenue shall connect with the streets of Superior, as per present plat. To conform to streets.

SECTION 3. On and after the recording of the new plat in the office of the register of deeds in Douglas When old plat shall be void.

county, the plat now upon record in said register's office shall be null and void.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1864.

CHAPTER 160.

[*Published March* 24, 1864.]

AN ACT to provide for the expenditure of the drainage fund in the town of Sullivan, in Jefferson county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fund applied to highway improvements, &c.

SECTION 1. The town of Sullivan, in the county of Jefferson, is hereby authorized and empowered, under the direction of the supervisors, or of any meeting of the town lawfully held, to appropriate, expend and use all that portion of the drainage fund now in the treasury of said town, or hereafter accruing to the town from said fund, for the improving of highways and bridges located therein.

SECTION 2. This act shall take effect and be in force from and after the first day of April next.

Approved March 18, 1864.

CHAPTER 161.

[*Published March* 24, 1864.]

AN ACT to authorize Charles Warner to construct and maintain a boom on the Chippewa river, in the county of Eau Claire.

(*See supplement to local laws.*)

CHAPTER 162.

[*Published March* 24, 1864.]

AN ACT to authorize the town of Weyauwega, in the county of Waupaca, to aid in the construction of the Oshkosh and Wausau railroad.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of supervisors of the town of Weyauwega, in the county of Waupaca, are hereby authorized, on the conditions and for the purposes hereinafter mentioned, to issue the bonds of said town of Weyauwega, for the purpose of aiding in the construction of the Oshkosh and Wausau railroad, to the Oshkosh and Wausau railroad company, for any sum of money not exceeding in the aggregate fifteen thousand dollars. Town board may issue bonds.

SECTION 2. Such bonds shall be signed by the chairman of the town board of supervisors, and countersigned by the town clerk of said town of Weyauwega; shall be of the denomination of five hundred dollars each, or of one thousand dollars each; shall be payable at such place as the board of supervisors issuing them and the said Oshkosh and Wausau railroad company may agree upon, and shall be payable as follows, viz.: The first of said bonds, to the amount of one thousand dollars, shall become due and payable in three years from the first day of April next after the issue and delivery of said bonds, and one thousand dollars of said bonds shall become due and payable on the first day of April in each and every succeeding year thereafter, until the full amount of bonds so delivered by said town of Weyauwega shall be fully paid, with interest payable annually at seven per cent. per annum. How signed, &c. When payable.

SECTION 3. Such bonds may, according to the purpose for which their issue is authorized, be delivered in payment, at the value expressed on their face, for shares of stock to be subscribed for by the chairman of said board, in the name of said board of supervisors, for said town of Weyauwega, in the capital stock of the said Oshkosh and Wausau railroad company, to be expended between the west bank of Wolf river and the village of Weyauwega, commencing at that point on Bonds to be delivered in payment of stock.

the west bank of said river where said road is now surveyed, located and partly graded, on each side of said Wolf river, in the village of Fremont, in said town of Weyauwega.

Question of issue of bonds to be submitted to vote

SECTION 4. No such bonds shall be issued until a majority of the legal voters of the town voting upon the question, shall have voted in favor of said issue of bonds. The election for that purpose shall be called by the supervisors of said town upon the application of the said Oshkosh and Wausau railroad company, by their proper agent, the said agent at the time of said application to said board of supervisors presenting to said board a petition requesting said board to call said election, signed by at least twenty legal voters of said town of Weyauwega; and the board of supervisors shall give notice of such election by posting up five written or printed notices of the same in public places in said town, and cause the same be published in a newspaper printed in said town, at least one week before said election. The notice shall specify the amount of the bonds proposed to be issued, the length of time they are to run, and the rate of interest they are to draw.

Form of ballots.

At such election, those voting for said proposition shall deposit a ballot upon which shall be written or printed the words, "for the railroad," and those voting against it shall deposit a ballot upon which shall be written or printed the words, "against the railroad." The election shall be conducted and the votes canvassed and certified in the same manner provided by law for holding the usual elections of said town.

Security for application of money.

SECTION 5. Before the supervisors shall issue and deliver any such bonds, the said railroad company [by] their agent so receiving the same, shall give security to the satisfaction of the supervisors of said town, that the money arising from the sale of said bonds shall be faithfully applied in the construction of said road bed, as is specified in section three of this act, and that the railroad shall be completed to Weyauwega village, and within such time as the said board of supervisors and railroad company may agree upon.

Tax for payment of interest and principal of bonds.

SECTION 6. The board of supervisors of said town of Weyauwega shall annually, or whenever it becomes necessary, assess and levy a tax upon the taxable property of said town of Weyauwega, sufficient to pay the interest annually upon all such bonds as may have been

issued, also, to pay the principal of said bonds each and every year, as the same may become due and payable according to the provisions of this act, which said tax shall be collected in the same way and manner that other taxes are collected in said town.

SECTION 7. The coupons attached to said bonds for interest falling due in any one year, shall be receivable in payment for the town taxes of said town for the year for which said town is assessed to pay said interest, or any year thereafter. Coupons receivable for taxes.

SECTION 8. The board of supervisors of said town of Weyauwega shall annually, or as often as a vacancy occurs, appoint one railroad commissioner, who shall attend the annual and special meetings of the stockholders of said company, and shall be entitled to cast one vote for every share of stock so held by said town in the election of officers and in all questions submitted to vote of the stockholders. Appointment of railroad commissioner.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 163.

[*Published March* 26, 1864.]

AN ACT to legalize the acts of the common council of the city of Janesville, in the county of Rock, in issuing orders to volunteers mustered into the military service of the United States, and to provide for the funding of such orders, and the collection of taxes for the purpose of paying such orders or funded debt.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That whereas, the common council of the city of Janesville, in the county of Rock, heretofore, on the 26th day of December, A. D. 1863, did, by resolution or order, direct the issue of the orders of said city, for the purpose of securing the payment of extra bounties to volunteers mustered into the military service of the United [States,] to the sum of twenty-four thousand and two hundred dollars, and interest on said sum at the rate of seven per centum per annum, Preamble.

to become due and payable as follows, viz.: one third of said sum in one year, one-third of said sum in two years, and one-third of said sum in three years from the date of said orders, respectively; and whereas, the orders of said city to the amount aforesaid and the interest aforesaid, and for the purpose aforesaid, have been issued under and in pursuance of the aforesaid resolution or order of said common council; all the said acts, doings and proceedings of the said common council of the said city, in the ordering and issuing of said orders for the purpose aforesaid, and the said orders, are hereby declared to be legal and binding in law, and valid for all purposes, as though the same acts were done and orders were issued under and by virtue of an act of the legislature thereunto first enacted for that purpose.

Issue of orders legalized.

Tax for payment of orders.

SECTION 2. The common council of said city of Janesville are hereby authorized, empowered and directed to levy, in the same manner and at the same time as other taxes in said city for city purposes are levied, a tax as it may become necessary, on the taxable property of said city, for the purpose of paying the orders specified in the first section of this act, as they respectively become due, which said tax shall be collected in the same manner and at the same time as other taxes in said city for city purposes are selely collected: *provided, nevertheless*, that instead of levying and collecting the aforesaid tax at the time or times aforesaid, the common council of said city shall have power, and said common council is hereby authorized, to borrow money to pay said orders as they respectively become due, or on surrender thereof by the holders of the same, and to issue city bonds to secure the payment of the money so borrowed, with coupons or interest warrants attached, drawing interest at the rate of seven per centum per annum, payable semi-annually, not exceeding in the whole amount of said bonds the aggregate sum to become due at the times aforesaid, respectively, on the aforesaid orders, and to pledge the revenue of said city for the payment of said bonds and interest, and to levy and collect a tax as aforesaid for the payment of said bonds, as they respectively become due.

Money may be borrowed to pay orders.

Repeal.

SECTION 3. All acts and parts of acts and provisions of law conflicting with the provisions (*of law*

conflicting with the provisions) of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 164.

[*Published March* 28, 1864.]

AN ACT to legalize the acts of the trustees of the Oconomowoc cemetery association of Oconomowoc, in Waukesha county, in purchasing and platting their new grounds, called "La Belle cemetery," and to vacate the Oconomowoc cemetery.

(*See supplement to local laws.*)

CHAPTER 165.

[*Published March* 29, 1864.]

AN ACT (*for an act*) to incorporate the St. Joseph benevolent society of the ninth ward of the city of Milwaukee, and state of Wisconsin.

(*See supplement to local laws.*)

CHAPTER 166.

[*Published March* 23, 1864.]

AN ACT to encourage the formation of corporations for mining, smelting or manufacturing iron, copper, lead, zinc, silver or other ores or minerals, and for other manufacturing purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All corporations organized and established under the provisions of this act, shall be capable of suing and being sued in any court in this state, and

Powers of corporations.

may have a common seal, and altar and amend the same at pleasure, may elect in such a manner as they shall determine, all necessary officers, may fix their compensation and determine their duties, and make from time to time such by-laws, not inconsistent with the constitution and laws of this state, as a majority of the stockholders shall direct.

Who may become corporators

SECTION 2. Any number of persons, not less than three, who shall by articles of agreement in writing, associate according to the provisions of this act, under any name assumed by them, for the purpose of engaging in and carrying on any kind of mining or manufacturing business, and who shall comply with the provisions of this act, shall with their successors and assigns, constitute a body politic or corporate in fact and name, under any name assumed by them in their articles of association: *provided*, no two companies shall assume the same name.

Filing of articles of association.

SECTION 3. Before any corporation formed under this act shall commence business, the president and directors shall cause their articles of association to be filed with the secretary of state of this state, and with the county clerk of the county or counties in which such corporation shall conduct its mining or manufacturing business, which said articles shall be recorded in said office at length, in books prepared for that purpose at the expense of said association.

What articles to state.

SECTION 4. The articles of every such association shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this state to take acknowledgments of deeds, and shall state: 1st. Distinctly and definitely the purposes for which the same is formed. 2d. The amount of their capital stock, and the number of shares. 3d. The amount of capital stock actually paid in. 4th. The names of the stockholders, their respective residences, and the number of shares held by each person. 5th. The place in this state where their office for the transaction of business is located, and the county or counties in which their business is to be carried on. 6th. The term of its existence, not to exceed thirty years.

Annual reports—what to contain.

SECTION 5. Every such corporation shall annually, in the month of July, make a report, signed by a majority of the board of directors, containing: 1st. The

amount of capital actually paid in. 2d. The amount invested in real estate. 3d. The amount of personal estate. 4th. The amount of their debts and credits, as near as may be. 5th. The name of each stockholder, and the number of shares held by him or her at the date of such report; and every such report shall be verified on oath by the officers signing the same, and if any person shall as to any material facts, knowingly swear or affirm falsely, he shall be deemed guilty of perjury, and be punished accordingly.

Capital stock.

SECTION 6. The amount of the capital stock in every such corporation, shall be fixed and limited by the stockholders in their articles of association, and shall in no case be less than ten thousand dollars, nor more than five hundred thousand dollars, and shall be divided into shares of twenty-five dollars each. The capital stock may be increased and the number of shares at any meeting of the stockholders called for that purpose: *provided*, that the amount so increased shall not, with the existing capital, exceed five hundred thousand dollars.

Limit to amount

Purposes of corporation—funds.

SECTION 7. The purposes for which every such corporation shall be established, shall be distinctly and definitely specified in the articles of association, and it shall not be lawful for said corporation to appropriate its funds to any other purpose.

First meeting.

SECTION 8. When any corporation shall be formed under this act, any two of those associated may call the first meeting of the corporation at such time and place as they may appoint, by giving notice thereof at least fifteen days before the time designated for such meeting, in some newspaper published in the county where said corporation is to carry on their business, and if no newspaper is published in said county, then in some paper published in the city of Madison.

Board of directors.

SECTION 9. The stock, property and affairs of such corporation shall be managed by not less than three nor more than nine directors, as the articles shall determine, one of whom shall be a resident of this state. They shall hold their offices one year, and until their successors shall be duly chosen.

President and other officers.

SECTION 10. The directors of every such corporation shall choose one of their number president, and such other officers as their articles of association and by-laws may require, who shall hold their offices one

year, or until a majority of the stockholders choose others in their stead. The directors for the time being shall have power to fill any vacancy which may happen in their board by death, resignation or otherwise for the current year.

Vacancies.

Payment of capital stock, and sale of forfeited stock.

SECTION 11. The directors may call in the subscription to the capital stock of such corporation by installments, in such portion and at such times and place as they shall think proper, by giving notice thereof as the by-laws shall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholders may be sold by the directors at public auction, at the office of the secretary of the corporation, giving at least thirty days' notice in some newspaper published in the county: *provided*, that if said stockholders shall reside in this state, the stock shall be sold at the business office of said corporation, in the county in which they are doing business, giving at least thirty days' notice thereof, in some newspaper published in the county. If no newspaper be published in said county in which such corporation transact their business, then it shall be published in some newspaper in the city of Madison; and the proceeds of such sale shall be first applied in payment of the installment called for and the expenses on the same, and the residue shall be refunded to the owner thereof, and such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

Quorum, &c.

SECTION 12. A majority of the directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business; and those holding a majority of the stock, at any meeting of the stockholders, shall be capable of transacting the business of the meeting; and at all meetings of such stockholders, each share shall be entitled to one vote. Stockholders may appear and vote in person or by proxy duly filed with the secretary of the company.

Failure to elect, not a loss of franchises.

SECTION 13. If it shall so happen that an election of directors shall not take place at the annual meeting, such corporation shall not be dissolved, but the election may be held at any time thereafter, by giving fifteen days' notice of the time and place of such election, in

the same manner provided in the eighth section of this act.

SECTION 14. The books of every such corporation containing the accounts, shall at all reasonable times be open for the inspection of any of the stockholders, and as often as once in each year a statement of the accounts of such corporation shall be made by order of the directors, and laid before the stockholders. Books to be open to inspection, &c.

SECTION 15. Every such corporation shall by their name have power to acquire and hold all such real and personal estate as shall be necessary for the purpose of carrying on the business of such corporation: *provided*, that their real estate shall not exceed three thousand acres, unless such corporation is organized for the purpose of iron-mining or manufacturing, in which case their real estate shall not exceed five thousand acres. May own real estate. Limit.

SECTION 16. The stock of every such corporation shall be deemed personal property, and shall be transferred only on the books of such company, in such form as the directors shall prescribe; and such corporation shall at all times have a lien upon the stock or property of its members invested therein, for all the debts due from them to such corporation, which may be enforced by advertisement and sale in the manner herein provided for selling delinquent stock, and all purchasers at such sale shall be entitled to the rights of stockholders. Stock deemed personal property. Lien.

SECTION 17. The stockholders of all corporations founded upon this act, shall be individually liable for all labor performed for such corporations or associations, which said liability may be enforced against any stockholders by an action founded on this statute, at any time after an execution shall be returned not satisfied against said company: *provided*, such action be commenced within sixty days; *and provided, always*, that if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued. Individual liability. Proviso.

SECTION 18. Every such corporation formed for mining purposes, shall annually, on the first day of July, Annual report of mining operations.

in each year, make a report, which shall state the amount of copper, iron or other mineral which such company may have mined within the year past, which report shall be signed by the president and a majority of the directors, and shall be verified by the oath of the secretary or other officer making the same, and be filed in the office of the clerk of the county in which the business of any such corporation is carried on, and a duplicate thereof in the office of the secretary of state.

Where to be filed.

Annual report of capital paid in, &c

SECTION 19. Every corporation formed under the provisions of this act, for the purpose of carrying on manufacturing business, shall annually, in the month of July, in each year, make a report, which shall state the amount of capital actually paid in, and the amount borrowed by such company and remaining unpaid, in whole or in part, which report shall be signed by a majority of the directors, and verified by the oath of the secretary or other officer making the same, and be filed in the office of the clerk of the county in which the business of any such corporation is carried on, and a duplicate thereof in the office of the secretary of state.

Where to be filed

Specific taxes for mining.

SECTION 20. All corporations formed under the provisions of this act, for the purpose of mining, shall pay into the state treasury specific taxes, as follows, that is to say: Every such corporation engaged in copper-mining, shall pay a tax of one dollar for each ton of copper or mineral obtained; every such corporation engaged in iron-mining, shall pay a tax of ten cents for each ton of iron obtained, and every such corporation engaged in coal-mining, shall pay a tax of one-half cent for each ton of coal obtained by such corporation in such mining business; which taxes shall be paid annually, in the month of July, at the office of the state treasurer, in the city of Madson, and the same shall be in lieu of all state taxes to be paid by such corporation, respectively: *provided*, nothing herein shall exempt from state taxation any property of said corporation not invested in the said mining or manufacturing business contemplated in this act.

When and where to be paid.

Specific taxes for manufacturing.

SECTION 21. All corporations formed under the provisions of this act for manufacturing purposes, shall pay to the state a specific tax of one-half of one per cent. on the amount of their capital stock paid in, and also money borrowed, which for this purpose shall

be considered as capital stock of such corporation. The said tax shall be paid on the first day of September, at the office of the state treasurer, in the city of Madison, and the same shall be in lieu of all state taxes to be paid by such corporations, respectively.

When and where to be paid.

SECTION 22. Service of any legal process against any corporation formed under this act, may be made on the president, secretary or agent, or if neither of them can be found in the county in which, by their articles of association, they are to do their business, then such service may be made by posting a true copy thereof in some conspicuous place at the business office of the company in said county.

Service of process against corporation.

SECTION 23. If the directors of any such company shall intentionally neglect or refuse to comply with the provisions and to perform the duties required of them by sections three, five, eighteen and nineteen of this act, they shall be jointly and severally liable in an action founded on this stuatute, for all the debts of such corporation contracted during the period of such neglect or refusal; and such of them as were present and acting as such directors, at any time during such neglect or refusal, shall be guilty of a misdemeanor, and may, on conviction thereof, be fined a sum not exceeding five thousand dollars, or imprisoned for a term not exceeding two years, or both, in the discretion of the court.

Penalty.

SECTION 24. It shall be lawful for any mining company associating under this act, to provide in the articles of association for having a business office of such company out of this state, at any place within the United States, and to hold any meeting of the stockholders or directors of such company at such office so provided for, but every such company having its business office out of this state, shall have an office for the transaction of business within this state, to be also designated in such articles.

May keep office out of state.

SECTION 25. Any mining company organized and doing business under any special charter, may at any time, by vote of a majority in interest of its stockholders, dissolve its organization and organize under this act; and any company so organizing under said act shall have the right, in preference to any other company, to assume the name by which it was known in its former charter: *provided*, it perfects its organization within sixty days after dissolving its special charter; and after perfecting

Organization under this act of old companies.

its organization according to the provisions of said act, it shall be entitled to all the rights, privileges and immunities therein contained, and the property, effects and rights of action of the company shall pass to and be vested in the company so organized, and the debts, liabilities and demands existing against the company so dissolved, shall be and remain debts, liabilities and demands against the newly organized company, and may be prosecuted against it in like manner and to like effect as they might have been against the company so dissolved.

May subscribe for plank or railroad stock, &c.

SECTION 26. It shall be lawful for any mining company organized under any charter or general law of this state, to subscribe for and take stock in any plankroad or railroad, for the purpose of constructing such road to the mines, and the amount of its capital so subscribed and paid out shall, for the purpose of taxation, be deducted from the capital of such mining company, and shall be taxed only as the capital of such plankroad or railroad.

Annual report of subscriptions to to such stock.

SECTION 27. The president and secretary of every such mining company subscribing or taking stock in any plank or railroad shall, on or before the first day of May, in each year, make under their hands a return to the state treasurer, verified by their several oaths, stating the amount which such mining company has subscribed and paid in every plank or railroad, and also in what particular road.

May consolidate.

SECTION 28. Any mining company organized under the provisions of this act, is hereby authorized to consolidate with and purchase from any other mining corporation organized under any special or general law of this state, all its property, rights and franchises upon such terms as shall be mutually agreed upon; and the stockholders of the corporation whose property, rights and franchises are thus purchased, shall become stockholders of the corporation purchasing the same, in such proportions as shall be agreed upon in the terms of sale, and the corporation thus selling its property, rights and franchises shall become merged in and consolidated with the corporation buying the same.

Assent of stockholders necessary to consolidation.

SECTION 29. No consolidation of one mining corporation with another, under this act, shall take place without the prior assent thereto of a majority of the stockholders of each corporation, at the annual meeting of

the stockholders, or at a special meeting duly called for that purpose.

Cancellation of prior certificates of stock of company purchased, &c.

SECTION 30. Any mining corporation thus purchasing the property, rights and franchises of another, shall have power to call in and cancel its prior certificates of stock, and to make and issue to its stockholders, including those of the corporation to be consolidated with it, new certificates of stock, in such proportions to each as each shall be entitled to according to the terms of consolidation, as agreed upon, and to forfeit the stock of any stockholder who shall not return his stock to be canceled as aforesaid, within ninety days after actual notice of the resolution of the corporation for calling in its stock, or who shall not return it after publication of notice of said resolution for ninety days in some newspaper published in the state of Wisconsin.

Demands and liabilities of company purchased.

SECTION 31. All dues, demands, contracts and liabilities of any corporation thus selling its property, rights and franchises to another, shall be and remain in force against the corporation purchasing the same, in like manner as if originally incurred by it; and all rights of creditors and all liens upon the property of either corporation, shall remain unimpaired, and the respective corporations shall continue to exist so far as may be necessary to enforce the same.

Capital stock not to be increased.

SECTION 32. No corporation with which another may be consolidated under this act, shall be allowed to increase its capital stock by virtue of this act, but such corporation shall be subject to the provisions of section six of this act.

Penalty.

SECTION 33. If any corporation organized and established under this act, shall willfully violate any of its provisions, and shall thereby become insolvent, the directors ordering or assenting to such violation shall jointly and severally be liable, in an action founded upon this statute, for all debts contracted after such violation.

Powers of corporations may be rescinded, &c.

SECTION 34. The legislature may at any time, for just cause, rescind the powers of any corporation created pursuant to the provisions of this act, and prescribe such mode as may be necessary or expedient for the settlement of its affairs.

SECTION 35. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1864.

CHAPTER 167.

[*Published March* 18, 1864.]

AN ACT to establish lumber districts in this state, and to regulate the traffic in logs, timber and lumber in said districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lumber districts

SECTION 1. For the purpose of inspecting and regulating the survey and measurement of logs, timber and lumber in this state, the Wisconsin river and its tributaries are hereby constituted and created a lumber district, to be known and called lumber district No. 1; the Black river and its tributaries, to be known and called lumber district No. 2; the Chippewa and its tributaries, as far up as the northern boundary line of Eau Claire county, including the Eau Claire river and its tributaries, to be known and called lumber district No. 3; the St. Croix river and its tributaries, to be known and called lumber district No. 4; Green Bay and such of its tributaries as are within this state, save and except Lake Winnebago and its tributaries, to be known and called lumber district No. 5; and so much of the Chippewa river as lies above the northern boundary line of the county of Eau Claire, together with the tributaries emptying into said portion of the Chippewa river, to be known and called lumber district No. 6.

Appointment of lumber inspectors.

SECTION 2. The governor of this state shall appoint an inspector for each of said lumber districts, who shall be styled "lumber inspector of district No. ——," (designating the proper district.) His term of office shall be for two years, and he shall, at the time of his appointment, be a citizen of this state, and reside within the lumber district for which he is appointed; and the inspectors first appointed under this act shall hold their respective offices for the term of two years from the first Monday in April, 1864, and until their successors are appointed and qualified.

Where offices to be kept.

SECTION 3. The inspector of lumber district number one shall keep his office at Centralia or Grand Rapids, in the county of Wood, or Stevens Point, in Portage county, or Wausau, in Marathon county; of district number two, at the city of La Crosse, or at North La Crosse, in the county of La Crosse; of district number

three, at Eau Claire, in the county of Eau Claire; of district number four, at the city of Hudson, in the county of St. Croix; of district number five, at the city of Green Bay, in the county of Brown; of district number six, at Chippewa Falls, in the county of Chippewa.

Oaths and bonds

SECTION 4. Each lumber inspector appointed under the provisions of this act, shall, before entering upon the discharge of the duties of his office, take and subscribe an oath before some person authorized to administer oaths, that he will faithfully discharge the duties of his office to the best of his knowledge, judgment and ability, and shall execute to the treasurer of the county in which his said office shall be kept, a bond, with three or more sufficient sureties, to be approved by the said treasurer and the county judge of his county, in the penal sum of five thousand dollars, conditioned for the faithful performance of his duties as lumber inspector of his district, (giving the number thereof,) and for the delivery to his successor in office [of] all bills, papers, books journals and other effects appertaining to his said office; and such bond, so executed and approved, shall be filed and kept in the office of the said county treasurer; and any person feeling himself agrieved, may commence an action thereon before any court having jurisdiction, and a recovery thereon by one person, shall not render the bond void, but the same may be prosecuted from time to time until the whole penalty shall be recovered.

Deputies.

SECTION 5. Each inspector may divide his district into such number of subdistricts as he may deem best, and in each subdistrict may appoint one or more deputies, for whose conduct and fidelity in the discharge of his or their duties as such, he shall be responsible upon his official bond.

Duties of inspectors and deputies.

SECTION 6. It shall be the duty of each lumber inspector, in person or by deputy, at the request of any owner of logs, timber or lumber, after a scalement or measurement, to make out a bill, stating therein the number of logs, the number of feet, board measure, contained in such logs and lumber, and the number of feet, cubic, running or board measure, contained in said timber, and at whose request the same were scaled or measured, and to whom scaled or measured, a copy of which bill he shall enter upon the books of his office, to

be provided by him and kept for that purpose, with the marks as they occurred upon the logs. A correct bill of the same shall be given to the owner or owners of logs, timber or lumber, with a certificate thereto attached, that it is a true and correct bill, which bill, so certified to, shall be received in all courts of this state as *prima facie* evidence of the truth and correctness thereof: *provided*, that the certificate of such inspector or deputy inspector shall not be received as evidence of the correctness of the survey or measurement of logs, timber or lumber owned by himself.

Prize logs.

SECTION 7. All prize logs shall be divided between the owners in each subdistrict, in proportion to the number of logs owned by each person or company, respectively, in such subdistrict; and prize logs are hereby defined to mean such logs as bear no mark or marks, and all logs bearing marks not recorded or claimed within one year after any "general drive."

Measurement of logs.

SECTION 8. Each lumber inspector and his deputies shall, in surveying or measuring logs, make such allowance for hollow, rotten or crooked logs as would make them equal to good, sound, straight, merchantable logs, and all logs that are straight and sound are to be measured at their full size, inside the bark at the small end, and all logs over twenty-four feet long, and not exceeding thirty-six feet, shall be scaled or measured as two logs, allowing such rise from the first to the second log as the same may require, or as may seem proper in the opinion of the inspector or his deputy.

Standard measure.

SECTION 9. The "Scribner rule" shall be the standard rule for scaling or surveying logs in the said districts, but other rules may be used at the request of the owner or owners of logs, but in all such cases, the bill of the inspector shall state by what rule the logs were surveyed or scaled.

Fees.

SECTION 10. Each lumber inspector shall be entitled to receive, and may sue for and collect, the sum of five cents per thousand feet for surveying or scaling and making out survey bills for all logs that he is called upon to scale, and the sum of twelve cents per thousand feet running measure, for measuring square timber, and the sum of fifteen cents per thousand for sawed lumber, including bills.

Owners' marks to be recorded.

SECTION 11. Any owner or owners of logs in the

said several districts, may use on his or their logs any mark not before used by any other person or persons in the districts in which they do business, and such mark shall be left with the inspector or his deputy, and shall be by him or them recorded in a book to be provided by and kept in the office of the said inspector, between the first day of November and the first day of March, in each year; and the books of the inspector shall at all times be open for the inspection of all persons interested; and if any person or persons shall use such mark on any logs in his district, after such mark shall have been recorded in the manner aforesaid, before having had recorded his or their marks in the same manner, or shall mark any prize log within the district, such offender or offenders shall forfeit and pay ten dollars for every such offense, to be recovered in any court having jurisdiction to try the same in the district, to the use of the person prosecuting therefor; and the inspector shall be entitled to fifty cents for each mark so recorded.

Record of mortgages, &c.—what to contain.

SECTION 12. It shall be the duty of each of said inspectors to record all mortgages, liens and bills of sale, or other written instruments in any way affecting the ownership of any mark of logs in his district, in a book kept for that purpose: *provided*, that said instrument shall specify the marks placed upon said logs, and when they were cut, and shall be recorded in the office of the inspector in which the said marks are recorded; and no conveyance, lien, mortgage or transfer shall be valid until the same is so recorded, or until the same shall be filed with one of said deputies, who shall immediately forward such instrument to the inspector of the proper district; and the said inspector shall be entitled to and receive the same fees allowed by law to registers of deeds for recording like instruments.

Annual report.

SECTION 13. It shall be the duty of each lumber inspector to report to the legislature, in each year, within ten days after the meeting thereof, the amount of logs, timber and lumber by him surveyed or scaled in his district, for the year previously to the date of his report.

Delivery of books, papers, &c. by surveyors-general to lumber inspectors.

SECTION 14. The several "surveyors-general" appointed in accordance with the provisions of chapter eighty-three of the general laws of 1861, and the acts amendatory thereof, are hereby required to deliver to the lumber inspectors of their respective districts all

bills, papers, books, journals and other effects appertaining to their respective offices, on the first Monday of April, 1864, (or as soon thereafter as said inspectors shall enter upon their duties as such officers, respectively,) in like manner as they are required by the provisions of section four of said chapter eighty-three of the general laws of 1861, to deliver the same to their successors in office; and the lumber inspectors appointed pursuant to the provisions of section one of this act, having first qualified as required by section four of this act, shall, on or after the first Monday of April, 1864, demand and receive of the "surveyors-general" of their respective districts, the bills, papers, books, journals and all records and effects appertaining to the offices of surveyors-general, respectively, which records shall be held and deemed to be records of said lumber districts, respectively, and shall continue to have the same force and effect as if the said office of surveyor-general had not been abolished.

Repeal. SECTION 15. Chapter eighty-three of the general laws of 1861, entitled "an act to regulate the traffic in logs, timber and lumber on the Wisconsin, Black, Chippewa and St. Croix rivers," and chapters one hundred and sixty-seven and one hundred and eighty-eight of said laws of 1861, and chapters seventy-four and two hundred and eight of the general laws of 1863, amendatory of said chapter eighty-three, are hereby repealed, to take effect on and after the first Monday of April, 1864.

SECTION 16. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved March 18, 1864.

CHAPTER 168.

[*Published March* 19, 1864.]

AN ACT to amend chapter 122 of the revised statutes, entitled "of the forms of civil actions, and parties thereto."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

All persons interested may be made parties to actions.

SECTION 1. Whenever it shall appear to the court in which an action is pending, either by the affidavit of a party to the action, or by the answer properly verified of any party to the action, that a complete determination of the controversy cannot be had without the presence of other parties, or that any person, not a party to the action, is interested in the subject matter of the controversy, and whose interests in such subject matter are such as should be protected, it shall be the duty of the court, at the instance of any party to the action, to enter an order upon the minutes of the court, making the person or persons so interested a party to the action, and shall, at the same time, provide that a copy of such order, together with the notice of the object of the action, shall be served upon the person or persons so made parties to the action, and shall prescribe the manner in which such service shall be made, and also the time within which such person or persons so served shall appear and file an answer in such action, which time shall not be less than twenty days from the time of the service of such notice; and if the person or persons so made parties shall be minors, it shall be the duty of the court to appoint guardians for such minors, which appointment shall be made in accordance of the provisions of the statute.

In case of minors

Trial of action.

SECTION 2. When an order shall be entered, bringing in other parties, as provided in section one of this act, the action shall stand continued until the time prescribed by the court for the persons so made parties to answer, shall have expired; and after the expiration of the time so prescribed, the action shall be proceeded with in like manner and with like effect as actions in which all the parties thereto were made parties in the first instance.

Application.

SECTION 3. This act shall be held to apply to cases now pending, and shall take effect from and after the passage and publication thereof.

Approved March 19, 1864.

CHAPTER 169.

[*Published March* 19, 1864.]

AN ACT to authorize trials by jury in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Finding of jury in issues of fact, in action to foreclose mortgage given to corporation, conclusive.

SECTION 1. Every issue of fact joined in an action brought in any court of this state, for the foreclosure or satisfaction of a mortgage upon real estate, which has been heretofore or may hereafter be executed to any corporation, upon demand of either plaintiff or defendant, shall be tried by a jury, and the finding of the jury as to such issue of fact, shall be final and conclusive, as in other cases of trial by jury.

Repeal.

SECTION 2. All acts and parts of acts inconsistent with or contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1864.

CHAPTER 170.

[*Published March* 21, 1864.]

AN ACT to authorize the several wards of the city of Racine to raise money, by tax, for the payment of bounties to volunteers for the military service of the United States, and to provide for the levy and collection of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The qualified electors of each ward of the city of Racine, shall have power at any special election to vote to raise, by tax, such sum or sums of money as may be necessary to pay bounties to volunteers in the service of the United States, who may have enlisted or shall hereafter enlist and become credited to such ward upon its quota under any call of the president of the United States heretofore made or hereafter to be made, for volunteers for the military service of the United States: *provided*, that such bounty shall in no case exceed two hundred dollars to any one volunteering. Tax to pay bounties to volunteers authorized. Limit to tax.

SECTION 2. Special elections shall be held in any ward of said city for the purpose mentioned in section one of this act, upon the written petition to the clerk of said city, signed by ten or more qualified electors and freeholders of such ward, which petition shall set forth the purpose for which said special election is asked by the petitioners, together with the amount of money sought to be appropriated or raised by tax at such election for the purpose aforesaid; and it is hereby made the duty of such clerk, upon presentation to him of such petition, to call a special election of the qualified electors of such ward, by posting notices of the same in three or more public and conspicuous places in such ward, stating the time when and the place where such election will be held, and the object of the same, together with the amount of tax proposed to be voted thereat, which notice shall be so posted not less than five nor more than fifteen days previously to the time appointed for holding such special election. Such election shall be held at the place of the last annual election in such ward, and shall be opened and conducted, and the votes given thereat shall be canvassed and returned to Elections to vote tax. Where held and how conducted.

the city clerk of said city, in the same manner that general elections are conducted and the votes canvassed and returned, pursuant to chapter seven of the revised statutes, entited "of general and special elections, of the manner of conducting the same, and of the canvass." Voting at such election shall be by ballot. Such ballot shall have written or printed thereon the words, "for volunteer tax," or "against volunteer tax;" and no person shall be entitled to vote unless he is at the time a resident of the ward in which he offers his vote, and unless he has all the qualifications of a voter required by said chapter seven of the revised statutes; and the penalties prescribed in said chapter for a violation of the provisions thereof, shall apply to all elections held pursuant to this act: *provided*, that the electors assembled at such elections, not less than twelve in number, may, before proceeding to vote on the question of raising any such tax, agree and determine upon a less sum to be voted for any such purpose than the amount named therefor in the petition aforesaid; and a correct and complete record of the proceedings of every such election shall be kept, in which shall be stated the amount of such tax voted thereat, and such proceedings shall be signed or attested by the inspectors and clerks of such election, and deposited and filed in the office of the clerk of said city. The city council of said city, at any regular or special meeting thereof, shall, upon inspection of the return of said proceedings, declare by resolution the result of such election, and the amount of any such tax voted thereat, and shall direct the mayor and city clerk of said city to issue orders upon the treasurer of said city for the payment of the whole or any part of such tax. Such order shall be receivable only in payment of any tax authorized by this act and voted for in such ward for the purpose aforesaid, and shall be payable by the city treasurer only from the moneys collected by him from said ward tax under the provisions of this act; and the orders issued for the benefit of one ward shall not be payable from moneys collected from the tax raised in any other ward.

Form of ballots, and penalty for illegal voting.

Smaller bounty may be agreed upon.

Record of election.

Declaration of result, and issue of orders.

Orders receivable for taxes.

Levy of tax and warrant for collection.

SECTION 3. Whenever the qualified electors of any ward in said city shall have voted a tax upon the taxable property of said ward for the purpose of paying bounties to volunteers to fill the quota or quotas of such ward, it shall be the duty of the clerk of said city, within

fifteen days after the city council shall have declared the result of said election, as provided in section two of this act, to make a copy of the last assessment roll of the real and personal property of said ward, and upon the valuation of said property to apportion and carry out in said roll the said tax so voted in such ward for the purpose aforesaid, and cause a warrant for the collection of said tax to be annexed thereto, which warrant shall be made by said clerk, and signed by him and the mayor of said city, and shall conform as near as practicable to the warrant prescribed by law for the collection of other taxes, commanding the treasurer of said city to collect said tax within thirty days from the date of said warrant. Said roll and warrant annexed thereto, shall forthwith be delivered to the treasurer of said city.

Collection of tax.

SECTION 4. Upon receipt of the assessment roll and warrant attached as aforesaid, it shall be the duty of the treasurer of said city, who shall be the collector for each of the wards, to give notice in a newspaper printed in said city, that such assessment roll for the tax aforesaid has been committed to him for the purpose of collection; that he will receive payment of such tax at his office in said city for thirty days then next ensuing, and said notice shall also state the time and place when and where he will sell all lots and lands in said roll contained, upon which the taxes remain unpaid at such time, or so much thereof as will pay and satisfy the taxes thereon, together with all costs and liabilities which shall accrue according to law by advertisement and sale, and such notice shall be published for three successive weeks in said newspaper.

Sale of real estate for unpaid taxes.

SECTION 5. In case the taxes on any real estate in said roll contained, shall remain unpaid after the expiration of thirty days next ensuing the date of said notice, the treasurer shall, within fifteen days thereafter, commence the sale of said real estate, and continue the same from day to day until so much thereof shall be sold as will pay the taxes, interest and charges due, assessed and charged thereon in pursuance of this act; and in conducting said sale, in issuing to purchasers of any such real estate certificates thereof, in executing deeds thereon, and in collecting the taxes assessed upon personal property, said treasurer shall have all the power and authority vested in him by virtue of sections forty-two, forty-three and forty-four of chapter ninety-eight

of local [general] laws of eighteen hundred and sixty-one, and said sections, together with section forty-five of said chapter, except so much of section forty-two as relates to the time of sale of real estate for unpaid taxes, shall apply to and govern the proceedings of said treasurer in the collection of taxes authorized by this act, and the sale and redemption of lands on account thereof; but before he shall distrain the property of any person, he shall give such person, or his agent or representative, if to be found in said city, at least three days' notice, by making demand of the taxes so as aforesaid imposed on such person; and said treasurer shall be entitled to receive and collect the same fees as for collecting other taxes.

Treasurer's fees.

Application of tax.

SECTION 6. The taxes so collected by said treasurer shall be paid out by him in redemption of the orders issued in pursuance of section two of this act, and for no other purpose.

Penalty for neglect of duty.

SECTION 7. In case the clerk of said city shall willfully refuse or neglect to perform the duty or service required of him in this act, for the purpose of preventing the holding of an election, the voting of a tax thereat, or the collection of any such tax when voted, or shall refuse to issue or sign any city order authorized to be issued by this act, he shall be deemed guilty of a misdemeanor, and shall be liable to be indicted and punished therefor, as provided by law in cases of misdemeanor.

Repeal.

SECTION 8. All acts and parts of acts conflicting with the provisions of this act, are, for the purpose of this act only, hereby repealed, and this act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1864.

CHAPTER 171.

[*Published March* 22, 1864.]

AN ACT to provide for the relevy and collection of the county tax of the county of Portage, for the year 1862.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relevy of tax of 1862.

SECTION 1. The county board of supervisors of the county of Portage are hereby authorized and directed to meet at the usual place of meeting of the board of supervisors in said county, on the sixth day of April, 1864, and at such session cancel and vacate the levy of county tax made at the annual session in 1862, and relevy the legal portion of such county tax at that time remaining unpaid.

Certificates of amount of tax.

SECTION 2. Immediately after the relevy of the county tax, in pursuance of the provisions of this act, the clerk of the board of supervisors of Portage county shall make out two certificates of the amount of county tax apportioned to the town of Plover, in said county, one of which shall be delivered to the county treasurer and one to the town clerk of the town of Plover.

Duty of treasurer of Plover.

SECTION 3. The clerk of the town of Plover shall forthwith give the town treasurer of said town a certified statement, as required by section fifty-seven of chapter eighteen of the revised statutes, and the town treasurer shall within five days thereafter, execute and file a bond as required by said section.

Levy of tax in town of Plover.

SECTION 4. The town clerk of the town of Plover shall, immediately upon the reception of the certificate, as provided for in section two of this act, proceed to carry out upon a copy of the corrected assessment roll of said town for the year 1862, to be made my him, the amount of said county tax; and such amounts of tax shall be set opposite the appropriate assessments on both personal and real property, and shall add to such tax five cent. as collector's fees, in an additional column provided for that purpose.

Warrant for collection of tax.

SECTION 5. As soon as the assessment roll shall have been completed, as herein provided, and on or before the third Monday in April, 1864, the town clerk of said town shall annex thereto a warrant, substantially as required by section 61 of chapter eighteen of the

revised statutes, except that the taxes shall be required to be collected and paid over on or before the third Monday of June, 1864. Such warrant shall not be delivered to the town treasurer until his bond shall have been filed as hereinbefore required.

Collection of tax in Plover, and return of delinquent taxes.

SECTION 6. The town treasurer of said town shall, on receiving said assessment roll, proceed to collect the tax therein, according to law and the direction of such warrant; and in the collection thereof, he shall have all the powers and be subject to all the requirements provided by law for town treasurers in the collection of other taxes, and shall make return of all unpaid taxes to the county treasurer on or before the third Monday of June, 1864; and when so returned, the land and personal property, and the taxes thereon, shall be subject to all the provisions of the statute so far as applicable thereto, as in other cases of delinquent taxes returned to the county treasurer.

Levy of tax in other towns, and collection by county treasurer.

SECTION 7. The clerk of the board of supervisors of the county aforesaid shall, on the relevy of said county tax, make out a correct assessment roll of the lands and personal property returned by the town treasurers of the several towns in said county, (except the lands and personal property in the town of Plover,) on which the county tax of said year 1862 shall not have been paid, and shall compute and carry out the county tax so relevied on each piece or parcel of land and on all such personal property, adding thereto two per cent. for collectors' fees, and when so completed, shall deliver the same to the county treasurer for collection.

Notice of collection of tax.

SECTION 8. On the receipt of said assessment roll, the county treasurer shall cause to be published in the several papers in Portage county, a notice that the county tax on all lands and on all personal property on which the county tax of 1862 has not been paid, (except the county tax in the town of Plover,) will be in his hands for collection until the first Tuesday of September, 1864.

Delinquent taxes.

SECTION 9. The county tax relevied as provided in section one of this act, and remaining unpaid on the first Tuesday of September, 1864, shall be added to the delinquent county tax on the appropriate descriptions, for the year 1863; and the tax sale in the county of Portage, for the year 1864, shall be on the second Tuesday of September, 1864, and succeeding days, and

shall be for the delinquent tax of 1863, together with the delinquent county tax so added, and such sale shall be as valid and binding as if no such relevied tax had been added thereto: *provided*, that in all cases where there is delinquent tax of the relevied tax against lands not returned delinquent for the taxes of the year 1863, the clerk of the county board of supervisors shall make lists, by towns, of such lands, with the proper amount of the delinquent tax of the relevied tax set opposite each such description, and shall transmit such lists to the town clerks of said county, at the time of certifying to said town clerks the amount of state, county and other taxes levied on such towns for the year 1864; and said clerks shall carry such relevied county tax out in the assessment roll for said year, along with the other taxes, (in a column by itself,) and said tax shall be collected and in all respects treated as other county taxes; and the county tax on personal property for the year 1862, remaining unpaid at the time of such sale in September, 1864, shall thereafter be collected the same as other delinquent taxes on personal property are collected.

SECTION 10. The county board of supervisors of said county are hereby authorized to audit all claims of persons who paid the full amount of county tax levied in said county in the year 1862, and to pay such persons all excess by them paid over the legal portion of said county tax. Full paid taxes 1862.

SECTION 11. This act shall take effect and be in force from and after its passage.

Approved March 19, 1864.

CHAPTER 172.

[*Published March* 31, 1864.]

AN ACT to regulate the terms of the circuit court for the first judicial circuit, and for additional terms of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The circuit court for the first judicial General terms.

circuit in the state, shall hereafter be holden as follows: In the county of Green, on the first Tuesday in March and the first Tuesday in September. In the counties of Walworth, Racine, Kenosha and Rock, there shall hereafter be two jury terms and two law terms in each year. In the county of Walworth, the jury terms on the third Monday in March and the third Monday in September; the law terms on the second Tuesday in January and second Tuesday in July. In the county of Racine, the jury terms on the third Monday in April and third Monday in October, and the law terms on the first Tuesday in February and third Tuesday in July. In the county of Kenosha, the jury terms on the first Monday in May and second Monday in November, and the law terms on the third Monday in January and the fourth Tuesday in July. In the county of Rock, the jury terms on the third Monday in May and first Monday in December, and the law terms on the second Monday in February and the second Monday in September.

Green county.

Walworth.

Racine.

Kenosha.

Rock.

Return of process, &c.

SECTION 2. All writs, processes and returns made returnable to said court in either of the counties last above named, on the days heretofore fixed by law for holding the circuit court therein, respectively, shall be taken and deemed to be returnable in each of the above named counties on the days fixed by this act for holding said circuit court therein.

Repeal.

SECTION 3. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 19, 1864.

CHAPTER 173.

[*Published March 31, 1864.*]

AN ACT to provide for procuring from the town of Hubbard, in Dodge county, a transcript of the record of a certain highway, and for recording and filing such transcript in the town Hustisford, in said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town clerk of the town of Hubbard, in Dodge county, is hereby authorized and required to make out a transcript from the records of the town of Hubbard aforesaid, of all the proceedings and orders of the boards of supervisors of the towns of Hubbard and Hustisford, in Dodge county, had and made by them on the first day of December, 1849, in laying out and establishing and keeping in repair a certain highway, described as follows: "Commencing at the northeast corner of the town of Hustisford, thence west on the town line, to intersect the road leading from Hustisford to Horicon;" and to certify the same to be correct, which transcripts, when so made out and certified, shall be delivered by said town clerk to the town clerk of the town of Hustisford, who shall receive the same and record the same in the appropriate record book of the town of Hustisford, and shall file such transcript in his office.

Duty of clerk of town of Hubbard

Duty of clerk of town of Hustisford.

SECTION 2. Such transcript being recorded and filed as before provided in this act, the transcript and the record thereof shall be as valid and effectual in law, to all intents and purposes, as if the same were the originals, and shall be *prima facie* evidence in any court in this state of the truth of the statements therein contained.

Validity of transcript.

SECTION 3. The highway laid out and established as stated in section one of this act, is hereby declared to be a legal highway, the same as if the orders of the supervisors laying out and establishing the same had been filed and recorded in the office of the town clerk of the town of Hustisford within three days after the day fixed for deciding upon the application for laying out the same.

Highway legalized.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 19, 1864.

CHAPTER 174.

[*Published April* 2, 1864.]

AN ACT to incorporate the society of the "English and German Christian academy of the city of Watertown, Wisconsin."

(*See supplement to local laws.*)

CHAPTER 175.

[*Published March* 30, 1864.]

AN ACT to amend an act entitled "an act to incorporate the city of La Crosse," approved March 14, 1856.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jury to appraise damages.

SECTION 1. Section two of chapter five of the act of which this act is amendatory, is hereby amended, by adding at the end of said section two: "and that said jurors and each of them, before they enter upon the discharge of their said duties, shall be sworn by the judge appointing them, or by some competent officer authorized to administer oaths, and make oath that they are freeholders of said city, and are not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them;" and that section four of said chapter five be amended, so as to read as follows: "If any juror or jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge who appointed said juror or jurors shall appoint in his or their place, and shall administer to said juror or jurors the oath hereinbefore mentioned to him or them, and a memorandum of such substitution shall be indorsed on the precipe;"

Vacancies in jury

and that section seven of said chapter five be amended, by adding immediately after the word, "jurors," where it secondly occurs in said section, [the words,] "who shall be sworn again and make oath aforesaid, before said judge or some competent officer authorized to administer oaths;" and that section twenty of said chapter five be amended, by striking out the words, "common council," where they occur in said section, and inserting in lieu thereof the words, "judge of the circuit or county court of La Crosse county."

Jurors to be sworn.

By whom jurors to be appointed.

SECTION 2. When any sidewalk in said city needs repairing, the street commissioners of the ward in which said sidewalk is situated, shall give notice in writing to the owner or occupant of the lot or premises opposite which said sidewalk is situated, to repair the same in the manner and within the time designated by the street commissioners in said notice. Said notice shall not be for a shorter time than three days, and need not be for a greater length of time than hereinbefore mentioned, and may be served personally upon the owner or occupant, or by posting the same upon said lot; and in case the owner or occupant of said lot shall neglect to repair said sidewalk within the time and in the manner designated in said notice, then said street commissioners shall and may repair said sidewalk forthwith, and report the same and the expense of such repairs to the common council, who shall direct the clerk of said city to charge the expense of the same to said lot or premises, and insert the amount thereof against said lot or premises in the next ensuing tax list, to be collected as other taxes on real estate are collected by virtue of said act."

Repairing of sidewalks.

SECTION 3. Section five of chapter six of said act is hereby amended, by striking out the words, "or repair," where they occur in said section.

Amendment.

SECTION 4. All acts and parts of acts inconsistent with this act, are, for the purposes of this act only, hereby repealed, and this act shall take effect and be in force from and after its passage and publication.

Repeal.

Approved March 22, 1864.

CHAPTER 176.

[*Published March 28, 1864.*]

AN ACT for the relief of the Manitowoc county agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When secretary of state may draw warrant on treasurer.

SECTION 1. The secretary of state is hereby authorized and directed to issue an order upon the state treasurer, in favor of the Manitowoc county agricultural society, pursuant to section five of chapter fifty-three of the general laws of 1858, in the same manner as though the annual report of said society had been received on the first day of February, 1864: *provided*, said report be on file in the office of the secretary of state on or before the first day of June, 1864.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1864.

CHAPTER 177.

[*Published March 30, 1864.*]

AN ACT to amend an act entitled "an act to incorporate the city of La Crosse," approved March 14, 1856.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Treasurer to receive a fixed salary.

SECTION 1. The treasurer of the city of La Crosse shall receive as compensation for his services, in lieu of all fees and emoluments now by law received by him for such services, a salary to be fixed and prescribed by the common council of said city, as hereinafter provided.

When salary to be fixed.

SECTION 2. At the first regular meeting of the common council of the city of La Crosse, in the month of March, in each year, said common council shall fix and determine the amount of the annual salary that the treasurer of said city shall receive, except for the year

1864, for which year said salary may be fixed and determined by said common council at any time before the charter election for said year.

How salary to be paid.

SECTION 3. The salary thus fixed and determined upon, shall be paid out of the city treasury out of any moneys not otherwise appropriated, and may be paid at the end of every quarter.

Fees to be paid into treasury.

SECTION 4. The fees now allowed by law to the treasurer of said city, shall be collected by him and paid into the city treasury for the use of said city.

Repeal.

SECTION 5. All acts and parts of acts conflicting with this act, are, for the purposes of said act only, hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1864.

CHAPTER 178.

[*Published March* 28, 1864.]

AN ACT to change the time of holding annual meetings in school district number five, in the town of Wauwatosa.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To be held last Monday of Sept.

SECTION 1. The annual meetings in school district number five, in the town of Wauwatosa, shall hereafter be held on the last Monday of August, in each year. The hour of such meeting shall be seven o'clock in the afternoon, unless otherwise ordered by a vote of the district, duly recorded, at the last annual meeting.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1864.

CHAPTER 179.

[*Published March 31, 1864.*]

AN ACT to enable the towns of the fourth assembly district of Fond du Lac county, to facilitate the collection of taxes levied under the provisions of any law for such purpose, providing for the payment of bounties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Certain towns may issue orders to pay bounties, &c.

SECTION 1. The towns of Calumet, Empire, Forest, Marshfield and Taycheedah, in the county of Fond du Lac, are hereby severally authorized to issue town orders bearing interest at the rate of seven per centum per annum, upon account of or in settlement of any claim for bounty due to any volunteer or veteran who may have been mustered into the United States service and credited to the town voting such bounty, and who may be entitled to receive the same.

When chairman may issue orders

SECTION 2. The chairman of any one of the said towns may issue to any volunteer or veteran, upon his filing proof that he enlisted under the inducement of the bounty of such town, and the certificate of his muster into the United States service, and to the credit of such town, with the clerk of such town, an order upon the treasurer of any such town, bearing interest at the rate of seven per centum per annum, and payable from the tax voted by the town for the payment of bounties; and said clerk shall record such certificates of muster and credit, and countersign the order or orders which may be issued by the chairman of such town, in settlement or in part payment of any such bounty so voted by such town.

Duty of town clerk.

Orders receivable for taxes, and charged to towns

SECTION 3. The treasurers of the said towns of Calumet, Empire, Forest, Marshfield and Taycheedah, shall receive such orders of their respective towns in payment of the taxes levied for the payment of bounties, and shall add to every such order the amount of interest allowed up to the date of its reception by him, and shall indorse the same upon the order and enter the same to the debit of such bounty fund, upon the day of such receipt by him; and said treasurers shall pay the remainder of such orders and interest in the

Payment of balance of orders.

order of their presentation to said treasurers, from the funds upon which they have been respectively drawn; and in the event of any insufficiency of such funds from the general fund belonging to the town by which any such order shall have been issued, and upon the date of any such payment, shall make a proper like entry thereof to the debit of such bounty fund.

SECTION 4. All orders issued under the provisions of this act, shall be made payable to the order of the volunteer or veteran to whom the same shall have been due, or to the order of his legal representative. How orders payable.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1864.

CHAPTER 180.

[*Published March* 30, 1864.]

AN ACT to incorporate "Marquette college," in the second ward of the city of Milwaukee.

(*See supplement to local laws.*)

CHAPTER 181.

[*Published March* 31, 1864.]

AN ACT to vacate a part of the plat of the village of Quincy, in the county of Adams.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All that part of the plat of the village of Quincy, in the county of Adams, south of Main street, is hereby vacated. Vacated.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 22, 1864.

CHAPTER 182.

[*Published March 23, 1864.*]

AN ACT to amend section 45 of chapter 10 of the revised statutes, entitled "of state officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary of assistant treasurer.

SECTION 1. Section 45 of chapter 10 of the revised statutes, is hereby amended, so as to read as follows: "The assistant state treasurer shall receive an annual salary of fifteen hundred dollars, to be paid in such manner as the salaries of state officers."

Salary of assistant secretary of state.

SECTION 2. Section 20 of chapter 10 of the revised statutes, is hereby amended, so as to read as follows: "The assistant secretary of state shall receive an annual salary of fifteen hundred dollars, to be paid in the same manner as the salaries of state officers."

Appropriation.

SECTION 3. There is hereby appropriated annually out of the general fund, the sum of three thousand dollars, to carry into effect the provisions of this act.

Repeal.

SECTION 4. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 22, 1864.

CHAPTER 183.

[*Published March 31, 1864.*]

AN ACT to incorporate the Durand institute.

(*See supplement to local laws.*)

CHAPTER 184.

[*Published March 31, 1864.*]

AN ACT to legalize the assessment of real and personal property in and for the village of Neenah, for the year 1863.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The assessment of real and personal property made by Charles O. Paige, in and for the village of Neenah, for the year (*A. D.*) 1863, and the tax levied, and sales of lands and lots for the non-payment of the taxes assessed thereon, in said village, in said year, are hereby legalized and declared valid. Acts legalized.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 22, 1864.

CHAPTER 185.

[*Published April 2, 1864.*]

AN ACT to amend section one of chapter one hundred and thirty-one of the general laws of the year 1859, entitled "an act requiring parties to suits upon appeal or writ of error, to prosecute the same with diligence."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and thirty-one of the general laws of the year 1859, entitled "an act requiring parties to writs upon appeal or writ of error, to prosecute the same with diligence," is hereby amended, so as to read as follows: "In all cases in which the supreme court shall order a new trial or further proceedings in the court from which such cases have been brought to the supreme court upon writs of error or appeal, the record shall be transmitted to such court, and proceedings shall be had thereon within one year from the time of entering in the supreme court such an order for a new trial or further proceedings, or in default thereof, such cases shall be considered and Cases on writs of error, &c. When to be prosecuted.

treated as discontinued and dismissed, unless the court for good cause shown, shall order otherwise."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1864.

CHAPTER 186.

[*Published April 2, 1864.*]

AN ACT empowering registers of deeds to discharge the record of mortgages, in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Discharge of certain mortgages given to railroads.

SECTION 1. In all cases where mortgages have been executed by any person or persons on real estate situated in the state of Wisconsin, to railroad corporations, and such mortgages have been recorded in the office of the register of deeds in the county where said real estate is situated, and the said mortgage shall have been transferred by said corporation, and there shall be no record of such transfer in such office, and said corporation shall have ceased to exist, or shall have no board of directors competent to discharge such mortgage of record, it shall be the duty of the register of deeds of any such county, on the presentation to him, at his office, of any such mortgage, together with the note or notes or bond executed as collateral thereto, if there be any, and an affidavit duly verified, showing that the person presenting the same is the lawful holder thereof, and that the same have been paid or satisfied in full, forthwith to file such affidavit in his office, and to enter in due form a satisfaction of said mortgage of record: *provided*, that such register of deeds shall not charge more than twenty-five cents for discharging the duties required by this act in respect to any one mortgage.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1864.

CHAPTER 187.

[*Published March* 31, 1864.]

AN ACT to amend section 38 of chapter 117 of the revised statutes, entitled "of county courts."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judge to be furnished with books and stationery.

SECTION 1. Section 38 of chapter 117 of the revised statutes, is hereby amended, so as to read as follows: "Section 38. Each county shall furnish the judge of the county court with all necessary blanks and stationery, and all books necessary for keeping the records of the county court."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1864.

CHAPTER 188.

[*Published April* 2, 1864.]

AN ACT to authorize school district number eight, in the town of Port Washington, in the county of Ozaukee, to borrow money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

District authorized to borrow $200.

SECTION 1. School district number eight, in the town of Port Washington, is hereby authorized to borrow such sum or sums of money, not to exceed two hundred dollars, at a rate of interest not to exceed seven per cent. (*per cent.*) per annum, upon such length of time as the board thereof may determine, and to renew such loan from time to time; and the officers are hereby authorized, in the name of said district, to make and execute any bond, pledge or security binding said district and the property thereof, that they may deem proper and advisable, to secure the payment of such money borrowed and the interest thereon.

Bonds to secure same.

Question to be submitted to vote

SECTION 2. Before any such loan as is provided for in this act shall be effected, the amount of such loan

shall be determined upon by a vote of the electors of said district, at an annual or special meeting thereof; and a special meeting for that purpose may be called in the manner now provided by law for calling special school district meetings.

Property of district liable.

SECTION 3. Should any such loan be effected by the board of said district, under the provisions of this act, all the taxable property of said district at the time of making the loan, and all that may hereafter be added or annexed thereto, shall be holden for the faithful payment of the interest and principal of the money loaned; and it shall be the duty of the clerk of said district, in addition to other taxes of said district, to add, without a vote of said district, a tax sufficient to pay the interest or principal due, according to the conditions of said loan.

Tax for interest and principal.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 23, 1864.

CHAPTER 189.

[*Published April* 2, 1864.]

AN ACT to change the time of holding the annual school meeting in school district number one, of the village of Elkhorn, Walworth county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To be held second Tuesday of July.

SECTION 1. The annual school meeting in and for school district number one, of the village of Elkhorn, shall hereafter be held on the second Monday of July, in each year. The hour of such meeting shall be seven o'clock in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last annual meeting.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 23, 1864.

CHAPTER 190.

[*Published April* 2, 1864.]

AN ACT to confer certain powers on the Chicago and Milwaukee railway company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That the Chicago and Milwaukee railway company, a corporation for railroad purposes, existing in this state, by the consolidation of the Milwaukee and Chicago railroad company of this state, with the Chicago and Milwaukee railroad company of the state of Illinois, is hereby authorized, for the purpose of obtaining right of way or depot grounds for its railroad, to exercise the same powers of entering upon and condemning lands, when the same cannot be obtained by agreement with the owners thereof, which were vested in said Milwaukee and Chicago railroad company, under the general and special laws of this state. Said company is also authorized to extend its tracks to such point in the city of Milwaukee as its board of directors shall deem necessary for the purpose of obtaining more advantageous depot accommodations: *provided*, that such extension shall not pass along the line of any streets or alleys of said city, without the assent of the common council thereof.

Powers conferred

May extend tracks, &c.

SECTION 2. The board of directors of said company shall, by their by-laws, fix the manner in which the stock of said company shall be issued and transferred, the manner and place in which the stock, books and accounts of said company shall be kept, the time and place for holding the meetings of said board and of the stockholders of said company.

Issue and transfer of stock.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 23, 1864.

CHAPTER 191.

[*Published April* 2, 1864.]

AN ACT to continue and confirm in the Milwaukee and Prairie du Chien railway company, certain rights of ferriage.

(*See supplement to local laws.*)

CHAPTER 192.

[*Published April* 2, 1864.]

AN ACT to repeal chapter 209 of the private and local laws of the year (*A. D.*) 1859, entitled "an act to vacate a portion of A. M. Thomson's addition to the village of Hartford, in the county of Washington."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal. SECTION 1. Chapter two hundred and nine of the private and local laws of the year (*A. D.*) 1859, entitled "an act to vacate a portion of A. M. Thomson's addition to the village of Hartford, in the county of Washington," is hereby repealed.

Addition revived SECTION 2. Thomson's addition to the village of Hartford, mentioned in section one of this act, as the same was originally surveyed, platted and recorded, is hereby revived and restored, according to the recorded plat thereof, to the same extent and with like force and effect as if said chapter 209 of the private and local laws of 1859 had not been passed: *provided, however,* that such restoration shall in no wise affect or impair any assessment thereof heretofore made, nor any tax heretofore levied on the lands embraced in said plat, or any lot, parcel or tract thereof.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 23, 1864.

CHAPTER 193.

[*Published April* 2, 1864.]

AN ACT for the protection of purchasers of the school, university and swamp lands of this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any person or persons holding a certificate or certificates of sale from the proper officers of this state, for any of the school, university or swamp lands of this state, shall have the same right to prosecute and maintain actions to recover damages for injuries done to such lands, or to prevent trespsses thereon or other injuries thereto, by injunctions or otherwise, as if such person or persons were the owners thereof in fee simple; and for the purposes of this act, the holder or holders of any such certificate or certificates shall be regarded in law as the real owner of the land from and after the time of payment by him of the first installment of the payment of the purchase money for the said land. No such injunction shall ever be denied by any court on the ground that the party or parties to be enjoined are not shown to be irresponsible or insolvent. Prosecutions for injuries to lands.

Approved March 28, 1864.

CHAPTER 194.

[*Published April* 2, 1864.]

AN ACT concerning the terms of court in the third judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The terms of the circuit court for the third judicial circuit shall, after the first day of June, in the year of our Lord one thousand eight hundred and sixty-four, be holden as follows: In the county of Marquette, on the first Monday in September and the first Monday in February, in each year; in the county of General terms. Marquette co. Green Lake.

Green Lake, on the second Monday in September and the second Monday in February, in each year; in the county of Dodge, on the fourth Monday in September and the fourth Monday in February, in each year; in the county of Washingtion, on the third Monday in October and the third Monday in March, in each year; and in the county of Ozaukee, on the first Monday in November and the first Monday in April, in each year.

Dodge.

Washington.

Ozaukee.

Special terms in Washington and Ozaukee.

SECTION 2. There shall be holden by the circuit judge of the said third judicial circuit, in each year, a special term of the circuit court, for the counties of Washington and Ozaukee, on the second Monday of January, at the court house in the village of West Bend, in the county of Washington, and also a special term of circuit court for the counties of Washington and Ozaukee, on the second Monday of July, in each year, at the court house in the village of Port Washington, in the county of Ozaukee, for the trial of issues of law, for the hearing of motions, and for the transaction of any and all business that may be done at a regular term, except the trial of issues of fact by a jury. And at such special terms, the issues of law and motions, and all other business that may be transacted thereat, pending in the counties of Washington and Ozaukee, may be heard, decided and disposed of with the same force and effect as it may now be disposed of, heard and decided in the county in which the causes or matters are pending; and when the causes or matters are pending in a different county from that in which the special term is holden, the clerk of the circuit court shall certify the orders, judgments and papers to the clerk of the circuit [court] of the county where the same is pending, and the orders, judgments and papers shall be filed and entered by the clerk of the court where the cause or matter is pending, in the same manner as if the cause or matter had been heard or decided by the circuit court at a term thereof holden in the county where it is pending.

Business that may be disposed of.

Transmission of papers, &c.

SECTION 3. For the purpose of the hearing or trial of any cause or matter at such special terms in another county than that in which the same is pending, the clerk of the circuit court shall, at the request of either of the attorneys in said cause or matter, transmit all the papers on file in said cause or matter to the place of trial or hearing, under his official certificate, certifying the

same to be all the original files and papers in such action, cause or matter. Such papers or files shall be by such clerk inclosed in an envelop sealed by him, directed to the clerk of the circuit court of the county where such special term is to be or is being held, and the same may be transmitted by mail or by the hand of either of the attorneys in such cause, action or matter: *provided*, that no clerk shall be required to certify back any papers, files or orders to any such county where the same was originally pending, until his fees in such action or matter are paid.

Clerk's fees to be paid.

SECTION 4. All writs, services, processes, proceedings and recognizances heretofore issued, commenced, made or entered into, or which may be issued, commenced, made or entered into or from said courts of said counties, respectively, or either of them, and all proceedings pending therein or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the times mentioned in this act for holding the said regular terms of court, respectively, in the said several counties, respectively.

Return of process, &c.

SECTION 5. All acts or parts of acts conflicting with or contravening the provisions of this act, are hereby repealed, so far as they contravene or conflict with the provisions of this act.

Repeal.

SECTION 6. This act shall take effect and be in force from and after the first day of June, in the year of our Lord one thousand eight hundred and sixty-four, but not sooner.

Take effect.

Approved March 23, 1864.

CHAPTER 195.

[*Published April* 2, 1864.]

AN ACT to authorize the levy and collection of a special tax in the town of Trenton, in the county of Washington.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The clerk of the town of Trenton, in the county of Washington, is hereby authorized and

Levy of tax to pay bounties to volunteers.

required forthwith to make out and levy upon the taxable property of said town, the amount of tax voted by the electors thereof, on the fourteenth day of March, 1864, for the purpose of paying extra bounties to volunteers, and attach his warrant thereto, in the same manner as provided by law for the collection of taxes, commanding the town treasurer of said town to collect the said taxes within thirty days from the date thereof, and shall forthwith deliver the said tax list and warrant to said town treasurer.

Collection of tax, &c.

SECTION 2. Upon the receipt of said tax list and warrant, the treasurer of said town of Trenton shall proceed to collect the taxes as made out and levied thereon, within the time commanded by said warrant, and for that purpose, the said town treasurer is hereby vested with all the powers of, and shall pursue the same course prescribed by law for town treasurers in the collection of town taxes, and shall pay out the money so collected by him upon the orders of the supervisors of said town, issued for the purposes for which said tax was voted and collected.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1864.

CHAPTER 196.

[*Published April* 2, 1864.]

AN ACT to vacate a part of the village plat of Brandon, in Fond du Lac county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Blocks, &c. vacated.

SECTION 1. Blocks one, (1,) two, (2,) three, (3,) four, (4,) five (5) and six, (6,) in the village of Brandon, in the county of Fond du Lac, also Madison street, North street, those portions of Commercial street north of Madison street, those portions of Effie street and West street north of Jefferson street, and that portion of Jefferson street west of Center street, as said blocks

and streets are described in the recorded plat of said village, are hereby vacated.

SECTION 2. The lands upon which said blocks and streets or parts of streets have been laid out, shall hereafter be appraised and assessed irrespective of subdivisions into blocks, lots and streets; and the assessors of the town in which said land is situated, are hereby authorized and required, on or before the first day of June next, to amend the assessment roll of said town in accordance with the requirements of this act: *provided*, that nothing contained in this act shall be so construed as to prevent the sale and conveyance for delinquent taxes, of any portion of said lands as platted, which taxes have been or may be levied before the revised assessment provided for in this section.

Appraisal of vacated blocks, &c.

Not to affect tax sales, &c.

SECTION 3. This act is hereby declared a public act, and shall take effect from and after its passage.

Approved March 23, 1864.

CHAPTER 197.

[*Published April* 2, 1864.]

AN ACT to protect persons engaged in fishing in Lake Michigan with "trap" or "pond" nets.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All persons who shall hereafter engage in fishing in the waters of Lake Michigan, within this state, with "trap" or "pond" nets, shall, before using any such net for such purpose in said waters, erect and maintain a monument of iron, stone or timber on the shore or beach of said lake, within said state, at a conspicuous point and within twenty rods of the water line of said lake, and there securely fasten and keep the same, so as plainly to designate thereby the locality of the part or point of said beach from whence he or they intend to proceed into said waters for the purpose of setting or placing such net for the purpose of fishing therein in said waters. And they shall also legibly and securely inscribe the initials of his or their name or

Every person fishing with trap or pond nets, must erect monument on shore of lake, and file statement of his claim.

names in a conspicuous place on said monument, and the date of such inscription, and also within ten days thereafter, file a statement of his or their claim to such locality, pursuant to the provisions of section three of this act, with the register of deeds of the county wherein such locality is situated.

Security of claim

SECTION 2. All persons intending to make a claim to any such locality, for the purpose of fishing in said waters with such net or nets as are specified in the preceding section, may secure the same to him or their [them] and his or their assignes, by complying with the provisions of this act, and not otherwise.

What statement to contain.

SECTION 3. The person or persons erecting such monument for the purpose contemplated by this act, shall, within the time herein specified, file a declaratory statement in writing of his intention to do so, with such register, and state therein that they have erected such monument, that it is his or their intention to occupy said locality for the purpose of fishing in said waters from said locality with such net or nets, under the provisions of this act; and they shall give also therein a particular description of such monument, and the place where situate, by reference to the description of the lot of land or in front of which the same is erected, as known and described by government survey, and specify the distance such monument is placed from the nearest point or corner of such lot thereto, together with the initials and dates inscribed thereon, and also the full name or names of the party or parties making such claim, which declaratory statement shall be signed and verified by the oath of the person or some one of the persons named therein, which oath shall be taken before and duly certified by some person qualified by law to administer oaths, and on payment of his fees, the same shall be duly recorded by him in a book of records kept by him in his office for that purpose as such register; and such record of such claim shall be deemed and taken to be sufficient notice to all persons that such claim has been made at the point specified in said record.

Record of statement.

Record sufficient notice, &c.

Rights under claim.

SECTION 4. Any party intending to acquire any such claim under the provisions of this act, shall actually occupy the same by fishing in said waters from the point designated by such monument, with such net or nets, on or before the fifteenth day of July, eighteen

hundred and sixty-four, and continually thereafter on or before the fifteenth day of July, in each year, or in default thereof, the claimant shall be deemed and taken to have abandoned the same, and forfeited all right to the claim and occupancy of the same, or any part thereof, for the purpose contemplated by this act; and any other party shall, after such forfeiture, be at liberty to make a claim to said location, pursuant to the provisions of this act, and occupy the same for the purposes contemplated by this act.

What deemed an abandonment of claim.

SECTION 5. Whenever any claim for the purposes specified in this act, shall have been duly registered, as required by this act, no other person or persons than the person or party having priority, and duly establishing the fact, shall be permitted to fish in said waters with such net or nets, nearer to such monument than the distance of one mile therefrom, on either side thereof, along said beach or shore, and extending out into said waters of said lake so far as the lawful claimant to any such locality may see fit to extend his claim into the said waters within this state, on a line at right angles with said beach or shore, within the said distance above prescribed, without incurring the penalty specified in this act.

No other person to fish within one mile of claim.

SECTION 6. No person or party making such claim as is hereby provided, shall be deemed and taken to have fully acquired the same, until he or they shall have actually commenced fishing within their said claim in said waters, with such net or nets as are herein specified; and when any such claim shall have been duly acquired, it shall be lawful for the claimant or claimants thereof, to transfer the same by assignment in writing, duly executed and acknowledged by him or them; and in all cases of transfer of such claim, in the manner above specified, the assignee shall cause the instrument of assignment to be duly registered in like manner as the original claimant by this act is required to register his claim. The acknowledgment of such instrument of assignment may be taken by any officer authorized by law to take acknowledgment of deeds, and such assignee shall pay such register his fee for recording such instrument of assignment, as is provided by this act; and such assignee and his assigns are hereby required to keep up and maintain the said monument at the point

Transfer of claim

Rights of assignee.

of original location, the same and in like manner as the original claimant by this act is required to do.

Penalty for fishing with net without having established claim

SECTION 7. Any person who shall fish in said waters with such net or nets, without first having made and established a claim and secured a locality therefor on said beach or shore, under and pursuant to the provisions of this act, or shall first have duly acquired a right to any such locality, by assignment pursuant to this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished for each and every offense by fine, not less than five hundred dollars nor more than ten hundred dollars, and imprisonment in the county jail, until such fine shall be paid or be otherwise duly discharged.

By whom complaint to be made

SECTION 8. No prosecution for the recovery of such fine as is specified in the preceding section, shall be entertained, except on complaint made by an inhabitant of this state, nor unless complaint for the violation of this act be made within two years after the commission of the offense.

Priority of claim

SECTION 9. Persons heretofore engaged in fishing in said water with such nets, from any point on said beach, by first registering the locality of the claim and erecting and making such monument, (as other claimants are hereinbefore required to do,) within thirty days after the passage of this act, may continue to fish at such locality by thereafter complying with the other provisions of this act, the same as original claimants are required to do, or in default thereof, they shall be deemed to have abandoned the same; such claimants to have priority according to the dates of their respective claims, that of the oldest date to have precedence.

Navigation not to be obstructed.

SECTION 10. No person or persons engaged in such fishing, shall in any wise hinder or obstruct the free navigation of the waters of said lake, nor shall the claim of any person who has complied with the provisions of this act, be subject to forced sale upon execution or any other final process from any court of this state.

Record of claims

SECTION 11. The register of deeds of every county in this state, where any such claim or the assignment thereof shall be hereafter registered, shall keep a separate book of records for such purpose, and for registering any such claim, or the assignment thereof, he shall be entitled to demand and receive the same fees pe

folio as he is entitled to for recording deeds of conveyance of real estate.

SECTION 12. All actions at law concerning such claims, and all actions arising or growing out of disputes as to the proper ownership or right to any such claim or trespass, or infringement thereon, shall be cognizable before the circuit court of the proper county; and any person considering himself aggrieved in his claim by any other person, may have his action and remedy at law, in the same manner as for other trespasses or wrongs: *provided*, that all actions by adverse claimants shall be commenced within sixty days after the first registration of such claim.

Where actions growing out of claims, &c. cognizable.

SECTION 13. Any person who shall willfully or maliciously break down, impair, disfigure, throw down or destroy any monument erected under the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine, not less than twenty-five dollars nor more than one hundred dollars; and actions under this section shall be cognizable before any justice of the peace of the proper county, and any person convicted under the provisions of this section, who shall neglect for twenty-four hours to pay the fine imposed, together with costs, shall be committed to the common jail of the proper county, there to remain until such fine and costs are paid, or until he be discharged by due course of law.

Penalty for injury to monuments, &c.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1864.

CHAPTER 198.

[*Published April* 2, 1864.]

AN ACT for the relief of the town of Harmony, in the county of Rock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The superintendent of public instruction is hereby authorized and directed, at the time of ap-

Apportionment of additional tax

portioning the school fund income for 1864, to apportion to the town of Harmony, in the county of Rock, the sum of twenty-four dollars and sixty-four cents, in addition to the sum properly belonging to said town of Harmony, for the year 1864, to supply a deficiency in the apportionment to said town for the year 1863, said deficiency arising from a clerical error of the town clerk of Harmony.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 23, 1864.

CHAPTER 199.

[*Published April* 2, 1864.]

AN ACT to authorize the city of Appleton to issue bonds for certain purposes therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May issue bonds in aid of railroads, to amount of $50,000.

SECTION 1. The mayor and common council of the city of Appleton, in the county of Outagamie, are hereby authorized to issue corporate bonds of said city, to an amount not exceeding fifty thousand dollars, for the purpose of aiding in the construction of a railroads to, through or from said city, and the construction of any side track or branch road from the main track of any railroad to and along the Fox river or the canal in said city, and the construction or making of any plank-road, earth road or other roads, and the construction or making of any other public improvements in, through or from said city; such bonds to be issued on not exceeding ten years' time, with coupons or interest warrants attached, drawing an annual interest not to exceed seven per centum per annum, to be paid annually at such time and place as the mayor and common council shall direct: *provided*, that no bonds shall be issued under the provisions of this act unless a majority of the electors of said city shall, at a meeting or election of said city held for that purpose, vote for the issuing of said bonds.

Question to be submitted to vote

SECTION 2. For the purpose of determining whether such bonds shall or may be issued, there shall be held an election of said city, on the 28th day of May, A. D. 1864, at the usual places of holding elections in said city, and under the supervision of the inspectors of elections for said city, at which election the qualified voters of said city may vote for or against the issue of such bonds; and the ballots to be voted shall have written or printed, or partly written and partly printed thereon, the words, "for the bonds," or the words, "against the bonds," and if a majority of all the ballots cast at such election shall be "for the bonds," then such bonds may be issued as provided in section one of this act, any law to the contrary notwithstanding.

Election to be held May 28.

Form of ballots, &c.

SECTION 3. If such bonds shall be issued, it shall be competent for the common council of said city to authorize the mayor, or one of their own number, or any other person, to negotiate the sale of such bonds, and to allow such compensation for such services as they may deem reasonable: *provided*, the common council may, if they deem proper, order that such bonds shall not be sold at less than their face, or at par.

Negotiation of bonds, &c.

Proviso.

SECTION 4. In case any such bonds shall be issued, it shall be the duty of the mayor and common council to cause to be levied and collected annually, on the taxable property of said city of Appleton, a sum sufficient to pay the interest on said bonds as it becomes due, and also when the principal of such bonds become due, to cause to be levied and collected on the taxable property of said city a sum sufficient to pay such principal; and if they shall fail to order such sums to be levied and collected at the times aforesaid, they may be compelled to so do by order of the proper court.

Tax for interest and principal.

SECTION 5. Ten days' notice of the election to be held under the provisions of this act, shall be given by the city clerk of said city, by posting in a public place in each ward of said city, a notice in writing, or a printed notice, stating the object of such election, a copy of which notice shall be filed in the office of the said city clerk.

Notice of election

SECTION 6. The inspectors and clerks of the annual election of said city, shall be the inspectors and clerks of the election provided for by this act, and the polls of such election shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and continue

Officers of election, canvass and return of votes, &c.

open until five o'clock in the afternoon; and the ballots cast shall be canvassed, returned and a record thereof made, the same as at other elections of the said city.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 23, 1864.

CHAPTER 200.

[*Published March* 30, 1864.]

AN ACT authorizing garnishee actions in the circuit court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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Affidavit for garnishee and service of notice, and liability of garnishee.

SECTION 1. Whenever any plaintiff, his, her or their agent or attorney in any action in the circuit court, founded upon contract, shall at the time of issuing summons, or at any time before judgment, make affidavit that he has good reason to believe that any person or persons, corporation or corporations, (naming him or her, them or it,) is or are indebted to the defendant, or (in case of more than one defendant,) to either or any of them, upon contract, or has property, effects or credits belonging to said defendant or defendants, and also stating that the affiant has reason to believe, and does believe, that the party defendant has not property liable to execution, sufficient to satisfy the plaintiff's demand, and shall file said affidavit in the office of the clerk of the circuit court in the county in which said action is pending, and shall deliver to said person or persons, corporation or corporations, a copy of said affidavit, together with a notice to appear before a circuit or county judge, or court commissioner, at some place therein named, within the county in which said action is pending, at a time therein named, not less than six nor more than twenty days from the time of such service, to answer under oath all such questions as shall be put to him or her touching his or her liability, or the liability of the corporation of which he is an officer, as garnishee of said defendant or defendants,

the person or persons, corporation or corporations so notified, shall, from the time of such service, stand liable to the plaintiff or plaintiffs in said action to the amount of the property, money, effects and credits in his, her, its or their hands, and debts due or to become due from him or her, it or them, to said defendant or defendants, or to such an amount of said property, money, effects and credits as will satisfy the plaintiff's demands and the costs of the action.

Attendance of garnishee may be compelled.

SECTION 2. The attendance of any garnishee, notified as herein provided, may be compelled, and he may be punished in the manner and for the causes provided in chapter one hundred and thirty of the revised statutes, and judgment may be rendered against such garnishee for the reasons, upon the contingencies and with the same effect as provided for in that portion of said chapter one hundred and thirty relating to the subject of garnishee; and all the provisions of that portion of said chapter, so far as applicable, shall apply to proceedings under this act.

SECTION 3. This act shall take effect when published.

Approved March 24, 1864.

CHAPTER 201.

[*Published March* 29, 1864.]

AN ACT to amend chapter 132 of the private and local laws of 1858, entitled "an act to incorporate the village of Dodgeville."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 132 of the private and local laws of 1858, entitled "an act to incorporate the village of Dodgeville," is hereby amended, so as to read as follows:

Village of Dodgeville—boundaries.

SECTION 2. The inhabitants of the district of country included within the limits and boundaries following, to wit: in township number six, range number three east, in the county of Iowa; the southwest quarter, the south half of the northwest quarter, and the southeast quarter of section twenty-seven, the southeast quarter

of northest quarter, and the east half of southeast quarter of section twenty-eight, the east half of northeast quarter of section thirty-three, the northwest quarter and the northwest quarter of the northeast quarter of section thirty-four, are hereby created a body corporate and politic, by the name and style of the president and trustees of the village of Dodgeville, and by that name they and their successors shall have perpetual sucession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all suits whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure, and shall be competent to have and exercise all the rights and privileges and be subject to all the duties and obligations pertaining to a municipal corporation.

Powers.

Government—how vested.

SECTION 3. The government of said corporation and the exercise of its corporate powers and the management of its fiscal. prudential and municipal concerns, shall be vested in a president and six trustees, and such other officers as are hereinafter provided for.

Officers.

SECTION 4. The officers of the said corporation shall be one president and six trustees, one clerk, one treasurer and one constable, who shall be *ex officio* marshal of said corporation, one attorney, one surveyor and such other officers as the trustees shall ordain. The president and trustees shall be elected by the qualified voters of the said corporation on the second Tuesday in May of each year, and shall hold their respective offices for one year, and until their successors are elected and qualified. The clerk shall give at least ten days' notice of the time and place of holding any election, and the president and trustees, or any three of them, shall preside at any such election; and any vacancy in the office of president shall be filled by a special election, and vacancies in the office of trustees shall be filled by the president and trustees. All other officers shall be appointed by the president and trustees, and shall hold their offices during the term for which the trustees are elected, and until their successors are appointed and qualified, and shall be subject to removal by the president and trustees. All persons qualified to vote in said village for members of the state assembly, and who are

Annual elections

Appointed officers.

residents of said village at the time such vote is offered, shall be legal voters for corporation officers, and no person shall be eligible to the office of trustee unless he is a freehold voter therein, and the president shall be *ex officio* a trustee of said village. The voters present at any election may appoint three voters to act as judges of election, in case there shall not be a quorum of trustees present to conduct the election.

How elections conducted.

SECTION 5. At all elections held under this act, the polls shall be opened at one o'clock in the afternoon, and shall continue open until four o'clock in the afternoon of the same day, and the election shall be by ballot, conducted in the same manner, as far as may be, as elections for members of assembly, and a plurality of votes shall in all cases decide the election.

Special elections.

SECTION 6. In case such officers, or any of them, shall not be elected as herein provided, the corporation shall not thereby be dissolved, but special elections for the election of president and trustees may be held as herein provided for annual elections, and in case there shall be no officer to give notice therefor, then such notice may be given by any ten freehold voters of said village, as herein provided for annual elections.

Oath.

SECTION 7. Every officer elected or appointed under this act, before he enters upon the duties of his office, and within ten days after his appointment or election, shall take an oath faithfully to discharge the duties of his office, and to support the constitution of the United States, and of this state, and the laws thereof.

Treasurer and constable to give bonds.

SECTION 8. The treasurer and constable, before they enter upon the duties of their offices, shall severally give bonds to the trustees in such sum, with such conditions and such sureties as said trustees or a majority of them may direct.

"President and police justice"—duties, jurisdiction, fees, &c.

SECTION 9. The president shall preside at all meetings of the trustees, sign all commissions, licenses and permits which may be granted by the trustees. He shall maintain peace and good order, and see that the ordinances of the village are observed and executed. A municipal court is hereby created in said village, to be styled the police court, and the person elected as president of said village, shall be elected on the same ballot as president and police justice, who shall hold the said police court, and he shall have power to administer oaths and affirmations, and to take (*out to take*)

and certify acknowledgments and proofs of the execution of deeds and other instruments of writing relating to real estate or other matters required by law to be acknowledged or recorded, or both. As a judicial officer or court, the said police court and justice shall have and possess all the authority, jurisdiction, powers and rights of justices of the peace and justices' courts, in civil and criminal proceedings, and shall have concurrent jurisdiction with justices of the peace and justices' courts of this state, residing in the said village, of all civil and criminal actions and cases for the violation of any provisions of this act, or of any ordinance, by-law, rule, regulation or resolution of said village. The president, when presiding at any meeting of the trustees, shall have a casting vote when the votes of the members are equal, and as a police justice he shall receive the same fees as a justice of the peace receives for his services; but the village shall not be liable for his fees, except such as shall accrue in prosecutions or actions brought in the name of the corporation for the violation of the provisions of this act, or for the violation of the ordinances of the said village. Appeals and writs of certiorari may be taken from the judgment of the police justice, in the same manner and with the same effect as from justices of the peace.

Meetings, rules, &c.

SECTION 10. The president and trustees shall prescribe the time and fix the place of their meetings, which shall at all times be open to the public, and shall determine the rules of their proceedings, and keep a journal thereof, which shall be open for the inspection of every respectable citizen, at all reasonable times and hours; and shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members.

Peace officers.

SECTION 11. The president, each and every trustee, marshal, each and every justice of the peace and constable of the county in which said village is situated, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior in a manner consistent with law and the ordinances, by-laws, rules, regulations and resolutions of said village, within the limits thereof, and

for such purpose may command the assistance of bystanders, and, if need be, all citizens, and if any person shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of ten dollars.

Marshal—his powers, duties, fees, &c.

SECTION 12. The marshal shall possess all the power and enjoy all the rights of a constable of this state, and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed by the president or other judicial officer, and when necessary in criminal cases, or for the violation of any of the provisions of this act, or of any ordinance of said village, or by-law, rule, regulation or resolution thereof, he may serve the same on the [in any] part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of the state of Wisconsin, to apprehend any person in the act of committing any offense against the provisions of this act or of the laws of this state, or the ordinances, by-laws, rules, regulations or resolutions of the village, and forthwith to bring such persons before competent authority for examination; and for such and other similar services, he shall receive like fees as are allowed to constables for like services. It shall be the duty of the marshal to see that all peddlers, hawkers and common showmen, and all other exhibitors, pay their licenses according to law and this act, and the ordinances of the village; and in default of payment, to prosecute for the same in the corporate name of the village, and pay over the same to the treasurer when received by him.

Treasurer—his duties.

SECTION 13. The treasurer of the village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances, rules, regulations, resolutions or by-laws of said village, or by law. All money raised, received, recovered or collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said village, shall be paid to and received by him, and shall not be drawn therefrom without a written order, signed by the president and countersigned by the clerk, by order of the trustees. Such order shall specify the amount of money to be drawn, and its objects. He

shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, the person from whom, the [amount] of the several sums received, and the source from whence the said sums arose, which said book, at all reasonable times, shall be open to the inspection of the electors of the village. He shall, as often as the trustees require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office, he shall pay over and deliver to his successor in office, all money, books and vouchers in his possession belonging to said village.

Clerk—his duties and powers.

SECTION 14. It shall be the duty of the clerk to keep a record of the doings of the board of trustees, especially of the passing of ordinances, by-laws, rules, regulations and resolutions, and also a faithful record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings, and to keep on file all papers which may be ordered by the trustees. The record kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the record of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of the contents of the same. He shall keep the corporate seal of the said village. He shall keep a full and accurate account of all orders drawn on the treasury, in a book provided for that purpose, and shall keep all accounts of the corporation with individuals, and shall also keep an accurate account with the treasurer, and charge him with all taxes levied and (*and*) sums of money paid into the treasury, and all receipts of the payment of money or property to the treasurer shall be countersigned by the clerk before they shall be a legal voucher against the village. The clerk shall have power to administer oaths.

Attorney.

SECTION 15. The attorney shall perform all professional services incident to his office, as prescribed by ordinances or by resolutions of the president and trustees, or as directed by the president, and when required shall furnish written opinions to them.

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SECTION 16. The president and trustees shall have power, from time to time, to require other and further

duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Penalty.

SECTION 17. If any person having been an officer in said village, shall not within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession, belonging to said village or pertaining to the office he may have held, he shall forfeit and pay to the use of the village one hundred dollars, besides all damages caused by his neglect or refusal to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Surveyor.

SECTION 18. The surveyor shall be a practical surveyor and engineer, and his duties shall be prescribed and directed by the president and trustees, and his fees and compensation shall be fixed by them for any services performed by him. All surveys, profiles, plans, plats or estimates made by him for the village, shall be the property of the village, and shall be filed and properly preserved in the office of the clerk or other officer, as may be directed by them, and shall be open to the inspection of all persons interested.

Style of ordinances—quorum.

SECTION 19. The style of all ordinances passed by the president and trustees shall be, "the president and trustees of the village of Dodgeville do ordain as follows." The president and three trustees, or four trustees, shall constitute a quorum for the transaction of any business, and in the absence of the president, the trustees shall appoint one of their number president *pro tem.*, who shall possess all the powers of the president, except as police justice.

Licenses.

SECTION 20. The president and the trustees shall have exclusive power within the corporate limits of the said village to grant, acccording to law or ordinance, or with, [both,] licenses for selling wine, beer or cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquids or drinks, reg-

ulate and license groceries, taverns, hotels, victualing houses and saloons, and all persons vending or dealing in any such liquors, drinks or liquids, and to revoke the same; and no person shall sell, vend, deal in, or for the purpose of evading the provisions of law, or of this act, or the ordinances of said village, give away any such wine, beer, cider or intoxicating, spirituous, alcoholic, vinuous, fermented, mixed or malt liquors, liquids or drinks, within such corporate limits, without having first obtained license therefor, as provided by this act, the laws of this state and the ordinances of said village; and any person who shall in any manner violate any of the provisions of this section, or the ordinances of [or] the laws herein referred to, shall on conviction thereof be punished as provided by the laws of this state and the ordinances of said village on this subject, and all such offenses shall be prosecuted as provided by such laws and ordinances. All money received for such licenses shall be paid to the treasurer of said village, who shall pay the same to the treasurer of the county for the use of the county poor: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state or the ordinances of the said village, and that no license shall be granted for a less time than one year; *and provided, further*, that no person thus licensed, or without being so licensed, shall sell or give away any such wine, beer, cider, or spirituous, intoxicating, alcoholic, vinous, fermented, mixed or malt liquors, liquids or drinks, on election day, or on Sunday. In all prosecutions for any violation of this section, or of the laws and ordinances herein referred to, it shall be sufficient to allege in general terms, the selling, vending, dealing in [or] giving away without such license, of such inhibited liquors, liquids or drinks, and the proof on the trial of such selling, vending, dealing in or giving away to any person of any one of such inhibited liquors, liquids or drinks, shall be sufficient to warrant and sustain a conviction; or proof that he delivered any such inhibited liquors, liquids or drinks to any person, shall also be *prima facie* evidence sufficient to warrant and sustain a conviction for any such violation.

Penalty for violation of license laws.

Slaughtering cattle, &c.

SECTION 21. No person shall slaughter or kill, within the corporate limits of the said village, any cattle, sheep or swine without the consent of the president or of the

trustees. Any person who shall violate this section shall, on conviction thereof, forfeit and pay for each offense the sum of twenty five dollars, with costs of prosecution to the said village, to be recovered before any justice of the peace of said county.

Slaughter houses

SECTION 22. No person shall keep a slaughter house, yard or pen, or occupy any open ground for slaughtering purposes, within the corporate limits of the said village, or keep any such place for depositing the offal of slaughtered animals within such limits, without the consent of the said president and trustees, entered of record; and any person who shall violate this section shall, on conviction thereof, forfeit and pay for each day he shall keep or occupy any such place for such purpose, the sum of fifty dollars, with costs of prosecution, and shall also, in addition thereto, be guilty of a misdemeanor, and on conviction thereof shall be punished by fine and imprisonment. All such places are hereby declared common nuisances, and shall be abated as provided by law and the ordinance of said village.

Powers and duties of president and trustees.

SECTION 23. The president and trustees shall have the control and management of the finances and of all the property of the village, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, regulations, resolutions and by-laws for the government and good order of the village, for the suppression of vice and immorality, for the prevention of crime and for the benefit of trade, commerce and health, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, regulations, resolutions or by-laws; and such ordinances, rules, regulations, resolutions and by-laws are hereby declared to be and have the power and force of laws: *provided*, that they be not repugnant to the constitution and the laws of the United States or of this state; and for these purposes shall have authority, by ordinances, resolutions, by-laws, regulations or rules:

Shows.

1st. To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, and to provide for the abatement and removal of all nuisances

under the ordinances or at common law; to restrain, prohibit or license billard tables, ten pin or other ball alleys, or the setting up or playing [on] the same in said village.

Gambling.

2d. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming, in said village, and to restrain any person from vending, giving or dealing in spirituous, intoxicating, alcoholic, malt, mixed, fermented or vinous liquors, unless duly licensed by them.

Riots, &c.

3d. To prevent any riots, noises, disturbances or disorderly asssemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gaming.

Nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said village.

Slaughter houses and markets.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection, use and occupation of the same, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same, or other combustible materials.

Encumbering streets, &c.

6th. To prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood or any other materials or substances whatever, [and] to prevent the digging or sinking of mineral or other shafts or holes in the streets, alleys or other public grounds of the said village.

Horse racing.

7th. To prevent horse-racing, immoderate riding or driving in the streets, and to regulate the places of bathing in the water within the limits of said village.

Restraining cattle, &c.

8th. To restrain the running at large of horses, cattle, mules, asses, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

10th. To prevent any person from bringing, depositing or having within said village any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unwholesome or unsound beef, pork, fish, hides or skins of any kind, and in default of such person removing the same, to authorize the removal thereof by some competent officer, at the expense of such person or persons. Putrid carcasses, &c.

11th. To make and establish pounds, and appoint pound masters and fence viewers, and prescribe their powers and duties; also, to protect shade or ornamental trees on the public squares or in the streets of the corporation; also, to fence the public squares and grounds of the corporation, and to protect the same and monuments in said village. Pounds, &c.

12th. To establish and regulate boards of health, provide hospitals for those infected with small pox or other contagious diseases, and order and regulate the removal of such persons from the village, when its health and safety so require, and to provide grounds for the burial of the dead. Boards of health, &c.

13th. To call regular and special meetings of the voters of said village, and to prescribe the compensation of all officers of the corporation, except their own, and shall examine, audit and adjust the accounts of all persons and of all officers of the corporation. Special meetings.

14th. To organize fire companies, hook and ladder companies, to regulate their government and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale in any manner; and if the owner shall neglect or refuse to procure suitable ladders or fire buckets, after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment thereof, may recover of such owner the value of such ladder or fire buckets, or both, with costs of suit; to regulate the storage of gunpowder and other dangerous materials, to direct the safe construction of places for the deposit of ashes, to appoint one or more fire wardens to enter into, at reasonable times, Fire companies, storage of gunpowder, &c.

and examine all dwelling houses, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stove-pipes, to prevent fires and the use of fireworks and firearms within the limits of said village or such part thereof as they may think proper, to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and raze such buildings in the vicinity of the fire as shall be directed by the trustees, or any four of them who may be at the fire, for the purpose of preventing its communication with other buildings, and any building so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps and wells, and other water works, and to regulate the use thereof, and, generally, to establish other measures of prudence for the prevention or extinguishment of fires, as they may deem proper.

Protection of walks.

15th. To prevent all persons riding or driving any horse, ox, mule, cattle or any other animal on the sidewalks, or in any way doing any damage to such sidewalks.

Drunkards, &c.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or other places in said village, and to provide for the arresting, removing and punishing any person or persons who may be guilty of the same.

Firearms and fireworks.

17th. To prevent the shooting of fire-arms or the exhibition of any fireworks in any place which they may consider dangerous to the village or any property therein, or annoying to any person thereof.

Police, hay, wood, &c.

18th. To regulate the police of the village, to regulate the place and manner of selling and weighing hay, and measuring and selling fuel, either wood or coal, and to appoint suitable persons to superintend and conduct the same.

Markets.

19th. To establish public markets and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain for interfering or interrupting with the due observance of such rules and regulations; to license and regulate butchers' stalls,

shops and stands for the sale of game, poultry, meats, fish and other provisions.

20th. To regulate, suppress or license hawkers and peddlers who travel from place to place to sell wares, goods or merchandise within said village, and to license transient dealers and traders to sell the same. Peddlers.

21st. To compel the owners of buildings or grounds, or the occupants, when the same are occupied, to remove snow, dirt or rubbish from sidewalks, streets or alleys opposite thereto, and to compel such owners or occupants to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in default, to authorize the removal or destruction of the objectional substance by some officer of the village, at the expense of such owner or occupant. Rubbish, &c.

22d. To regulate the time, place and manner of holding auctions and vendues. Auctions.

23d. To appoint watchmen and prescribe their duties. Watchmen.

24th. To provide by ordinance for a standard of weights and measures, and for the punishment of false weights and measures. Weights, &c.

25th. They shall have the power to require the owner of any lots or grounds in the village to set out ornamental trees in the street or streets fronting the same, and in default thereof, to cause the same to be done, and lay a special tax upon such lots or grounds to pay the expense of the same. Trees.

26th. To make, open, keep in repair, grade, improve, lay out, alter, widen, vacate or discontinue streets, avenues, lanes, alleys, sewers and sidewalks, to keep them free from encumbrances, and to protect them from injury in said village. Streets, &c.

27th. To tax every male resident of said village above the age of twenty-one years and under the age of fifty years, one day's labor, or in lieu thereof, one dollar, to be appropriated to improving the roads and streets of said village, under the direction of such person as they may appoint. Poll-tax.

28th. The trustees shall have power to levy and collect a special tax on the owners of the lots on such street or part of street, according to their valuation, for the purpose of making a sidewalk along the same, or grading, paving and improving the street along the same. Special taxes.

Further powers of president and trustees.

SECTION 24. The trustees shall have power to appoint, and at their pleasure to remove, the following officers, to wit: The chief engineer of the fire department, two fire wardens and as many assistant fire wardens as they shall from time to time deem necessary, one sealer of weights and measures, sextons and keepers of burial grounds, and a street commissioner, and prescribe their duties and fix their compensation, under the provisions of this act; and to impose and enforce in law such penalties as to the said trustees may seem proper for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of any or such of them as may be deemed expedient and necessary by the board of trustees.

Grade of streets.

SECTION 25. The president and trustees shall, at such time as they may deem proper, establish the grade of all streets, alleys and sidewalks in said village, and shall cause accurate profiles thereof to be made, which shall be filed with the clerk.

Tax for street improvements.

SECTION 26. Whenever the trustees shall levy any tax for the purpose of grading, paving or otherwise improving any street, or for the building or repairing any sidewalk, or for any other special purpose, they shall make out and deliver to the street commissioner such tax to be collected and expended, a list of persons and a description of the property taxed; and thereupon the street commissioner shall notify the persons taxed in such tax list, by publishing a notice in three or more of the most conspicuous places in said village, or in some public newspaper printed therein, and shall specify in such notice a time not less than twenty days nor more than thirty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money; and the persons charged with such tax may, within such time and at such place as may be required by such street commissioner, pay their taxes in labor or materials: *provided*, the labor or materials offered in payment for such taxes are suitable and such as may be required by said street commissioner.

Collection of taxes.

SECTION 27. At the expiration of thirty days from the time the said street commissioner shall have received such tax list, he shall return the same to the trustees, accompanied by a statement verified by his

affidavit subscribed thereto, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended and the items of expenditure; also, the taxes which remain unpaid, and the persons and descriptions of real estate and lots to which such unpaid taxes stand charged; and the clerk of said village shall make out a certified copy thereof, and deliver the same to the town clerk of the town in which said village is situated, who shall, in making out the duplicate tax and assessment of such town next thereafter, enter such upaid special taxes therein in a separate column, with ten per cent. added thereto, opposite to the names of the persons and descriptions of property against which the taxes so remain charged and unpaid; and such taxes shall be collected in the same manner as the general taxes of said village and town are collected, and when so collected, shall be paid over on the order of the trustees, and when not previously applied, shall be expended under their direction on the street or sidewalk, or for the purpose for which the [they] were originally assessed.

Penalty for violation of ordinances, &c.

SECTION 28. In all cases in relation to which, by the provisions of this act, the president and trustees have power to enact or pass ordinances, rules, regulations, resolutions or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances, rules, regulations or by-laws, not exceeding fifty dollars for any one offense in violation or non-observance thereof; and may also provide in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may, by such ordinance, by-law, rule, regulation or resolution direct, not exceeding thirty days; for which purpose the village shall have the use of the jail of the county in which said village is situated, for the imprisonment of the person liable to be imprisoned, and all such persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county.

How actions to recover penalties to be brought.

SECTION 29. All actions brought to recover any penalty or sum of money or forfeiture under this act, or the ordinances, rules, regulations, resolutions, by-laws, or police or health regulations made in pursance thereof, shall be brought in the corporate name of the village,

without being required to give security for costs in any such action, and the process may be either by summons or warrant; and it shall be sufficient, without setting forth the special matter, to declare generally, stating the clause of this act or by-law, ordinance, rule, regulation or resolution under which the action is brought. The defendant may plead the general issue and give the special matter in evidence, and a printed copy of an ordinance, by-law, rule, regulation or resolution published in a newspaper or pamphlet by authority of the trustees, shall be *prima facie* evidence of the passage and publication of such ordinance, by-law, rule, regulation or resolution.

Executions—defendant may be imprisoned.

SECTION 30. Every execution issued upon judgments for any violation of the provisions of this act, or for the violation or non-observance of any ordinance or by-law, rule, regulation or resolution of said village, shall contain a clause directing, in the event of the non-payment of such judgment, the imprisonment of the defendant in the said county jail, or the jail provided by said village, for such term as shall have been provided for by this act, or the ordinance, rule, regulation, resolution or by-law under which the judgment shall have been rendered, or in the discretion of the court, in the absence of such provision by this act, or by rule, regulation, resolution, by-law or ordinance. All fines, penalties and forfeitures, when collected, shall be paid into the treasury of said village for its use.

Publication of ordinances, &c.

SECTION 31. Any ordinance, regulation, resolution, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper in the village, before the same shall be in force, except as hereinafter provided; and proof of such publication, by affidavit of the printer or foreman in the office of such newspaper, or by producing such newspaper containing such publication, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, resolution, rule or by-law, in all courts and places; and within ten days after such publication, they, with said affidavits, shall be recorded by the clerk of the village in books to be provided for that purpose, which record shall also be conclusive evidence of such publication and passage of such ordinance, rule, regulation, resolution or by-law, in all courts and places. No ordinance, rule, regulation,

resolution, by-law or appropriation shall be passed, made, altered, amended or repealed without an affirmative vote of a majority of the president and trustees in its favor, which vote shall be taken by ayes and noes, and entered of record.

SECTION 32. All notices, ordinances, by-laws, rules, regulations, resolutions or other matter required by or under this act to be published in a newspaper, shall be published in a weekly newspaper published in said village, if there be one, and if no such paper be published in said village, then the same shall be published by posting up the same, either in writing or print, in three of the most public places in said village. In all actions brought by or in the name of said village, or against it, the said village shall have the same right of appeal, or to a writ of certiorari or writ of errors, as individuals have, and in no case shall any judgments be rendered against said village for costs, but it shall be liable to the same extent for costs that the state is liable for costs in criminal cases, and no more. Appeals.

SECTION 33. The said trustees shall have power to build and erect a jail for the use of the corporation, which may be used for confining offenders, either for safe keeping or punishment, in like manner as the county jail may be used by the said corporation. May erect jail.

SECTION 34. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party or interested. Competency of judge, &c.

SECTION 35. The powers conferred upon the said president and trustees, to provide for the abatement and removal of nuisances, shall not bar or hinder suits, prosecutions or preceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where intoxicating, alcoholic, malt, mixed, spirituous, vinous or fermented liquors are sold, without the license required therefor, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances, and shall be abated as herein provided, and according to the laws of this state for abating nuisances. Suits to abate nuisances.

SECTION 36. The police justice and the justices of the peace residing within the corporate limits of the Exclusive jurisdiction.

said village, shall have exclusive jurisdiction of all actions arising under this act, or the ordinances, by-laws, rules, regulations or resolutions passed in pursuance of this act, unless otherwise specially provided.

Survey of streets, &c.

SECTION 37. The president and trustees are hereby invested with full power and authority to survey, ascertain, determine and establish the lines, boundaries, width and dimensions of all streets, highways, alleys, lanes and public grounds in the said village, which determination, when recorded, shall be conclusive upon all persons or parties; and whenever and wherever the same are now or shall be hereafter encroached upon or obstructed by any person in any manner, they shall have power to cause the same to be removed in a summary manner, by giving notice to the person suffering or causing such encroachment or obstruction, to remove the same within not less than ten days after service of such notice; and in case of neglect, default or refusal of such person to remove the same within the time specified in such notice, they shall order the marshal or street commissioner to remove the same forthwith, at the expense and cost of such person, to be recovered the same as fines and penalties are recovered under this act, and for the purpose of such removal, the marshal or street commissioners are hereby authorized to call to their assistance all officers or persons, and every officer or person refusing to render such assistance, shall forefeit and pay a fine of ten dollars.

Commissioners —establishment of land-marks, &c.

SECTION 38. The president and trustees of said village may, at any time, appoint three commissioners, resident freeholders of said village, who, with the assistance of the surveyor, or such other assistant surveyors as the said president and trustees may appoint, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, sidewalks, alleys, public grounds, lots, blocks and tracts of land, and shall cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats to be made and certified to by the said surveyor and commissioners, which, when approved by the said president and trustees, shall be filed in the office of the clerk, and a copy thereof shall be recorded in the office of the register of deeds of the proper county.

SECTION 39. The survey, landmarks and plats so made and established and recorded, shall be conclusive evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks in all cases in which they shall be drawn into controvery in all courts of this state, and shall be *prima facie* evidence of the lines and boundaries of all lots and tracts of land owned by individuals. *Prima facie* evidence of lines.

SECTION 40. When any suit or action shall be commenced against the said village, the service in such case may be made by leaving a copy of the process duly certified to by the proper officer, with the president, and it shall be the duty of the president forthwith to inform the trustees thereof, or to take such other proceedings as by the ordinances and resolutions of said village may be in such case provided. Service of process against village.

SECTION 41. No real or personal property of said village, or of any inhabitant of said village, or of any individual or corporation, shall be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said village. Real estate not to be levied on.

SECTION 42. Any peace officer may, and it shall be the duty of the marshal, to arrest without process any person found in a state of intoxication or guilty of immoderate drinking, improper reveling, obscenity, or noisy, boisterous or disorderly conduct, in the streets or public places, and take such person or persons forthwith before the police justice or justice of the peace in said village, or keep them until they become sober, in confinement, or until such time as said justice can reasonably hear and dispose of such offender. Arrest without process.

SECTION 43. The president and trustees, in case of laying out and widening any street, alley or public walk, shall pay to the owner or owners of any land or lots through which any such street, alley or public walk so laid out or widened by them shall pass, adequate compensation for any damages which may be sustained in consequence. Damages for widening streets.

SECTION 44. Such damages shall be ascertained by six freehold electors of the said village, to be summoned by or under the direction of the president of said village for that purpose, as a jury, who shall determine the necessity thereof. They shall be selected by the said president and the party claiming damages, in the same manner as jurors before a justice of the peace How to be ascertained.

in such cases are selected, and after being selected and summoned as aforesaid, they shall be sworn by the said president truly to ascertain by actual view, first, the necessity thereof, and then such damages. They shall take into consideration the benefit, if any, as well as they [the] damage from the laying out and widening of such street, alley or public walk, to such party claiming damage; and the persons so selected, summoned and sworn, shall proceed to the discharge of their duty in the premises, and make report in writing over their several signatures, to said president, within twenty-four hours, which report shall be binding upon the corporation and the party claiming such damages.

Expenditure of highway taxes.

SECTION 45. All highway taxes assessed or payable on property or persons resident or being within said village, shall be expended on any and all the highways, streets and bridges in said village, but not on any sidewalk, crossing or alley; and the overseers of highways in said village, and every overseer of highways of whose district any portion of said village shall form a part, shall apply and expend the highway taxes assessed and collected on property or persons resident or being within said village, under and according to the direction of the board of trustees of said village, or of such person as they may appoint, any law to the contrary notwithstanding; and the said board shall have power to appoint, during their pleasure, a street commissioner, as their agent to direct and control the expenditure of highway taxes in said village, and the building and repairing of bridges therein, whose compensation for services in the discharge of his duties, shall be such as they may order or allow, not exceeding one dollar and fifty cents per day: *provided, however*, that the board of trustees of said village may, by special order previously made, allow such portion of the highway taxes assessed or collected as aforesaid in said village, not exceeding one-third part thereof, to be expended without the limits of said village on any public highway leading from said village.

Payment of outstanding debts.

SECTION 46. The president and trustees shall have power, and it is hereby made their duty, in each year, to levy and assess upon the taxable property in said village, such a sum of money as taxes as shall be sufficient to pay and discharge the outstanding debts of said corporation, if any, and its current expenses for the

year, after applying the money derived from other sources to such purposes, and no more.

How taxes levied.

SECTION 47. All taxes raised and collected in the said village of Dodgeville, for the purpose authorized by the last preceding section, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of said village, as taxes for town, county and state purposes are levied and assessed.

Amounts to be determined.

SECTION 48. The president and trustees of the said village shall, on or before the first Monday of November, in each year, by resolution to be entered on their records, determine the amount of such corporation tax to be levied and assessed upon the taxable property within the corporate limits of the said village for the current year; and the clerk of said village shall thereupon, on or before the third Monday of the said month of November, in each year, deliver to the town clerk of the town in which said village is situated, a certified copy, under his hand and name and the corporate seal of said village, of all resolutions of the said president and trustees determining the amount of taxes to be levied and assessed for the current year, together with a description of the territory included within the corporate limits of the said village.

How assessed and collected.

SECTION 49. The town clerk or other proper officer, as the case may be, of the town in which the said village is situated, shall assess, apportion and carry out such corporation tax *pro rata*, according to the dollar valuation, upon all the real and personal property [liable therefor,] in a separate column in the tax and assessment roll and warrant of his town, next thereafter issued and delivered to the treasurer of his town for collection, in the same manner as he shall assess, apportion and carry out town, county and state taxes; and if for any reason such corporation taxes shall not be assessed, apportioned and carried out in the next assessment tax roll and warrant, as herein provided, it shall or may be assessed, apportioned, carried out and collected in that of any succeeding year. The said corporation taxes shall be in all respects collected or returned delinquent in the same manner as town, county or state taxes are collected by law, and when collected shall be paid over by any officer collecting or receiving the same to the treasurer of the said village. Any officer or other person who shall neglect or refuse on demand to

pay over any such corporation taxes when collected or received by him, in any manner, to such village treasurer, shall be liable to an action therefor, with twenty per cent. damages to be added thereto, to be sued for and recovered in the corporate name of the said village, both against said defaulting officer or other person and his sureties.

Duty of town assessor.

SECTION 50. The town assessor of the village [town] in which said town [village] is situated, in assessing the taxable property in his town in each year, shall assess the taxable property, real or personal, within the corporate limits of said village, in one continuous part of his assessment roll, and foot up the valuations of all the items of property assessed and valued by him within said limits.

Statement of election of officers to be filed with clerk of circuit court.

SECTION 51. No general law contravening the provisions of this act, shall be considered as repealing, modifying or amending the same, unless such purpose be expressly set forth in such law. It shall be the duty of the clerk of the said village, immediately after an election under this act, to make out a statement of the persons elected as corporation officers, and of the persons appointed to the offices of clerk, constable and treasurer of the corporation, whenever an appointment of such officers is made, with the fact of the acceptance and qualification of such officers so elected and appointed, under his hand and corporate seal, and file the same in the office of the clerk of the circuit court of the county in which said village is situated; and it is hereafter made the duty of the clerk of the circuit court to file the same in the same manner he files and preserves like certificates of the election and qualification of justices of the peace and other town officers. The police justice shall file a duplicate copy of his oath of office with the said clerk of the said circuit court.

First election.

SECTION 52. The first election of officers under this act shall be held on the second Tuesday of May, 186 , in case this act shall take effect on or previously to that day, and the official publication of this act shall be sufficient notice of such election; and in case this act shall not take effect on or previously to that day, or in case no election shall be held on that day under this act, then such first election under this act shall be held at such time thereafter as the president and trustees of the said village, under the charter of the said village

hereby repealed, shall, by resolution, order and appoint, giving at least ten days' notice thereof; and [it] is hereby made their duty to order and appoint such election within twenty days after this act shall take effect. In case said first election shall not be held on the said second Tuesday in May, 186 , and in case of their default to order and appoint such election as herein provided, then the same may be ordered and appointed by any ten freehold voters, as provided in section five of this act.

Rights, immunities, &c.

SECTION 53. All the rights, immunities and franchises of the town or village of Dodgeville, as heretofore incorporated, shall pass to and be enjoyed by the said village as incorporated in this act in all respects when not inconsistent with this act, and the present officers of said village shall hold their respective offices until their successors are elected under this act, and qualified.

Repeal.

SECTION 54. All acts and parts of acts contravening any of the provisions of this act, are hereby repealed; but the repeal of said acts and parts of acts shall not in any manner affect, injure or invalidate any contracts, suits, acts, claims or demands, rights, actions, causes of actions, remedies, offenses, duties, liabilities or obligations that may have been committed, suffered, done, entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts or any of them, but the same shall exist and be enforced and carried out as fully and effectually, to all intents and purposes, as if this act had not been passed; and all ordinances, resolutions, regulations, rules, by-laws and orders of the president and trustees of said village, or parts thereof not repealed, suspended or made void by this act, shall continue and remain in full force and effect until altered, amended, repealed or suspended in pursuance of this act by the president and trustees.

Charter to be submitted to vote.

SECTION 55. At the next village election to be held in the village of Dodgeville, on the second Tuesday of May next, the question of the adoption of this amended charter shall be submitted to the qualified voters resident in said village; and for that purpose there shall be provided a separate ballot box for ballots cast on that subject. Those voting in the affirmative shall deposit a ballot on which shall be written or printed the words, "for amended charter," and those voting in the nega-

tive shall deposit a ballot on which shall be written or printed the words, "against amended charter."

Take effect, &c.

SECTION 56. This act shall be construed to be a public act, and shall be construed favorably in all courts and places, and shall take effect from and after its passage and publication, and the same shall cease to be a law or to have effect on the second Tuesday in May next, in case a majority of the votes cast shall be "against amended charter," as provided in the preceding section; and it is hereby made the duty of the secretary of state to cause this act to be published in the official state paper immediately after its passage.

Approved March 25, 1864.

CHAPTER 202.

[*Published April* 5, 1864.]

AN ACT to amend chapter 57 of the revised statutes, entitled "of the draining of swamp, bog, meadow and other low lands."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Offer of payment for damages for drain through lands of other persons.

SECTION 1. Section one of said chapter 57 of the revised statutes, is hereby amended, so as to read as follows: "Section 1. Any person owning or possessing any swamp, bog or meadow, or other low land, lying in any county within this state, who shall be desirous to drain such land, and who shall deem it necessary in order thereto, that a ditch or ditches shall be opened through lands belonging to other persons, in case the owner of any such land shall refuse to permit the opening of such ditch or ditches through the same, may offer to pay in lawful money of the United States to the owner of such lands, or if such owner be not a resident of the county in which such land is situate, to his agent therein, or the occupant of such land, such sum as said applicant shall deem a just compensation for such privilege; and if accepted by said owner, agent or occupant, the applicant shall possess all the rights and privileges hereinafter in this act provided, in case of payment of damages assessed by a jury, or awarded in

circuit court on appeal therefrom; but if such owner, agent or occupant shall refuse or neglect to accept the same, said applicant may apply to any justice of the peace residing in the county where such lands shall lie, for such summons, as is hereinafter provided."

If offer not accepted, may apply to justice for summons.

SECTION 2. Whenever an offer or tender of any sum shall have been made in accordance with the preceding section, and the owner, agent or occupant shall have neglected or refused to accept the same, and a jury shall be called, as provided in said chapter 57, if the jury, or, in cases of an appeal, the circuit court, shall find the opening of said ditch or ditches is necessary, and shall award no greater sum than shall have been offered or tendered, the applicant shall be required to pay the sum awarded only, and the owner shall be required and adjudged to pay all costs of said proceedings.

Costs of appeal.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved March 25, 1864.

CHAPTER 203.

[*Published April* 6, 1864.]

AN ACT to amend chapter 206 of the local [general] laws of 1863, entitled "an act to incorporate the Monroe and Riverside railroad company," approved April 1st, 1863.

(*See supplement to local laws.*)

CHAPTER 204.

[*Published April* 5, 1864.]

AN ACT to vacate certain lots in block 13, of Rose and Haven's addition to the city of Beaver Dam.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vacated.

SECTION 1. Lots one to twenty, inclusive, in block thirteen, of Rose and Haven's addition to the Beaver Dam, are hereby vacated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1864.

CHAPTER 205.

[*Published April* 5, 1864.]

AN ACT to amend section one of chapter eighty-four of the general laws of 1863, entitled "an act to extend the time for the expiration of the charter of the Wisconsin Central railroad company, as limited by the act of incorporation," approved March 4, 1853.

(*See supplement to local laws.*)

CHAPTER 206.

[*Published April* 2, 1864.]

AN ACT to amend the charter of the Chicago and Northwestern railway company.

(*See supplement to local laws.*)

CHAPTER 207.

[*Published April* 6, 1864.]

AN ACT to amend the articles of association of the Milwaukee and Prairie du Chien railway company.

(*See supplement to local laws.*)

CHAPTER 208.

[*Published April* 6, 1864.]

AN ACT relating to the election of chairman of the county board of supervisors, and amendatory to chapter 399 of the general laws of 1862.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of chapter 399 of the general laws of 1862, is hereby amended, so as to read: "The board of supervisors of each county shall, at their first meeting after their election, choose by ballot one of their number as chairman of the board for the term for which said board was elected." Election of chairman.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1864.

CHAPTER 209.

[*Published April* 5, 1864.]

AN ACT relating to the sale of lands for unpaid taxes, and amendatory of section fifty-five of chapter twenty-two of the general laws of this state, of the year 1859.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section fifty-five of chapter twenty-two of the general laws of this state, of the year (*A. D.*) 1859, is hereby amended, by adding thereto the follow- Fees for publishing sales of lands, &c.

ing words: "And the fees for the publication of any notice of sale of lands for taxes, and of the time when redemption of lands sold for taxes will expire, in a newspaper published in any other than the English language, shall be apportioned upon the several parcels of land advertised: *provided*, such publication is ordered and made in accordance with the provisions of section fifty-one of chapter thirteen of the revised statutes; and all costs, charges and interest hereby imposed and paid upon any lands, shall be a lien thereon until paid, equally with the unpaid taxes."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1864.

CHAPTER 210.

[*Published April* 6, 1864.]

AN ACT to set off certain lands from the city of Prescott, and attach the same to the town of Clifton, in Pierce county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Description of lands.

SECTION 1. The southwest quarter of the southwest quarter of section number two, and the south half of the southeast quarter of section number three, in township number twenty-six, of range twenty, are hereby set off from the city of Prescott, and the same are hereby attached to and made a part of the town of Clifton, in the county of Pierce.

Repeal.

SECTION 2. All acts and parts of acts interfering with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1864.

CHAPTER 211.

[*Published April* 6, 1864.]

AN ACT to legalize the proceedings prior to and of a certain special town meeting held in the town of Melrose, in Jackson county, in this state, on the 24th day of December, 1863.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the proceedings prior to and of a special town meeting, held in the town of Melrose, in Jackson county, in this state, on the 24th day of December, A. D. 1863, called and held for the purpose of levying a special town tax to pay bounties to volunteers who might and should enlist into the service of the United States from and be credited to the said town of Melrose, upon its quota under the call of the president of the United States for volunteers, are hereby declared valid and legal in all respects and for all purposes whatsoever. Meeting and bounty tax legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1864.

CHAPTER 212.

[*Published April* 5, 1864.]

AN ACT to authorize the city treasurer of the city of La Crosse to advertise and sell certain lands for unpaid taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The city treasurer of the city of La Crosse shall advertise and sell all lands contained in the tax lists for said city, in his office, on which the taxes, charges and interest specified in said tax lists remain unpaid, in whole or in part, for the years 1861 and 1862, or for either of said years; and such sale shall be made on the second Tuesday of May, 1864. And such advertisement and sale, and all the proceedings sub- Treasurer to advertise list of delinquent lands, &c.

sequently thereto, shall conform as nearly as may be, in all respects, to the provisions of the statutes of this state relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof, and shall be as valid and binding as like sales made pursuant to said statutes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1864.

CHAPTER 213.

[*Published April* 5, 1864.]

AN ACT to authorize the Central bank of Wisconsin to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock may be reduced.

SECTION 1. The Central bank of Wisconsin is hereby authorized to reduce its capital stock to any sum not less than twenty-five thousand dollars, upon filing with the bank comptoller a certificate from the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of its capital up to and including the day on which such certificate is filed with the bank comptroller.

Proviso.

Certificate to be filed.

SECTION 2. The president and cashier of the bank named in section one of this act, shall file in the office of the register of deeds in the county where said bank

is located, a certificate under oath, stating the sum to which the capital stock of said bank is reduced.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 29, 1864.

CHAPTER 214.

[*Published April 5, 1864.*]

AN ACT to legalize the acts of certain officers, and to extend the time for the (*for the*) collection of a tax in the village of Shullsburgh.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The assessment roll of the village of Shullsburgh, in the county of La Fayette, made for said village for the year one thousand eight hundred and sixty-three, and the tax list based upon said assessment roll, and the warrant thereto annexed or thereon indorsed, signed by the president and countersigned by the clerk of said village, bearing date the 19th day of October, in the year one thousand eight hundred and sixty-three, is hereby declared to be legal and valid for all intents and purposes, notwithstanding any and all omissions of any of the officers of said village in not fully complying with the provisions and requirements of the charter incorporating said village. Assessment roll and warrant legalized.

SECTION 2. The provisions of said village charter relating to the collection of taxes and the distraining and selling of the goods and chattels for the non-payment of the taxes on said tax list, are hereby extended for the period of three months, for the purpose of collecting the taxes on said tax list; and the marshal of said incorporated village is hereby directed and empowered to proceed and collect the taxes on said tax list, in pursuance of the provisions of the charter of said village. Time to collect taxes extended.

SECTION 3. This act shall be immediately published, and take effect and be in force from and after its passage and publication.

Approved March 29, 1864.

CHAPTER 215.

[*Published April* 5, 1864.]

AN ACT to legalize the proceedings of a special town meeting for the purpose of raising bounties for volunteers, in the town of Lodi, of Columbia county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Meeting legalized.

SECTION 1. All the proceedings and acts had and held prior to and at a certain special town meeting or election, held in the town of Lodi, of the county of Columbia, and state of Wisconsin, on the seventeenth day of February, A. D. 1864, and the tax voted to be levied for bounties to volunteers who had been or might thereafter be credited to said town, are hereby declared to be legal and valid for all purposes whatever, notwithstanding any defects, omissions or insufficiencies in the notices, time or manner of posting the same, or in holding and conducting said special town meeting or election.

Bounty tax legalized.

SECTION 2. The tax voted to be levied upon the taxable property of the said town of Lodi, for the purpose of paying bounties to volunteers, at the special meeting of said town mentioned in section one of this act, is hereby legalized and declared valid for all purposes.

SECTION 3. This act shall take effect from and after its publication.

Approved March 29, 1864.

CHAPTER 216.

[*Published April* 8, 1864.]

AN ACT to incorporate the Madison, Lodi and Baraboo railroad company.

(*See supplement to local laws.*)

CHAPTER 217.

[*Published April 5, 1864.*]

AN ACT to authorise the investment of the school, university, swamp land and drainage funds, in the bonds and certificates of indebtedness of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of school and university lands are hereby authorized and directed to invest, in preference to all other loans and investments, the principal of the school, university, swamp land and drainage funds now in the treasury, or which may hereafter be paid in, in the bonds or certificates of indebtedness of the state of Wisconsin. Interest shall be paid on the funds so invested at the rate of seven per centum per annum, on the thirty-first day of May, in each year; and a sum sufficient to pay such interest is hereby annually appropriated out of the state treasury for that purpose. Bonds of the state to be preferred.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1864.

CHAPTER 218.

[*Published April 5, 1864.*]

AN ACT to authorise the town of Beaver Dam to levy and collect a special tax to redeem soldiers' bounty certificates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town of Beaver Dam is hereby authorized to levy and collect a special tax, (in addition to its regular and necessary tax,) not exceeding five thousand dollars in amount; said tax to be levied and collected in the manner and at the time other taxes are levied and collected in said town for the year 1864. Levy and collection of special tax of $5,000.

To be applied in payment of scrip issued to pay bounties to volunteers.

SECTION 2. The proceeds of the tax authorized by the preceding section, shall be used to redeem the scrip of said town, to be issued by the supervisors of said town for the purpose of raising money to enable said town to offer and pay a bounty to volunteers in all calls or levies of United States troops heretofore made that are now pending, so that said town of Beaver Dam may fill its quota of troops without resorting to a draft. Said tax shall not be levied or the proceeds thereof used for any other purpose. Said scrip to be so issued in accordance with the resolutions of a special meeting of the electors of said town held at the town house therein, February 15th, A. D. 1864.

Proceedings and tax legalized.

SECTION 3. The proceedings of the special meeting of said town referred to in the preceding section, at which moneys were voted to raise volunteers by bounty, and the tax voted by said meeting for that purpose, and all the proceedings and actions of said meeting, are hereby made and declared to be legal and valid to all intents and purposes, notwithstanding any errors or omissions in calling or conducting said meeting, or in voting and raising said tax.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1864.

CHAPTER 219.

[*Published April* 7, 1864.]

AN ACT to amend chapter one hundred and twenty-two of the private and local [general] laws of 1863, entitled "an act to amend the charter of the Platteville and Calamine railroad company."

(*See supplement to local laws.*)

CHAPTER 220.

[*Published April* 11, 1864.]

AN ACT to amend chapter forty of the private and local laws of 1855, entitled "act to incorporate the Brockway college," in the city of Ripon, Fond du Lac county.

(*See supplement to local laws.*)

CHAPTER 221.

[*Published April* 11, 1864.]

AN ACT to authorize the Bank of Weyauwega to reduce its capital stock, [and] to change its location and name.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Bank of Weyauwega, at Weyauwega, is hereby authorized to reduce its capital stock to a sum not less than twenty-five thousand dollars, the outstanding circulating notes of said bank having first been reduced to that sum, and said bank having filed a certificate with the secretary of state, in compliance with subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858: *provided*, that said bank shall be required to pay to the state treasurer all taxes due the state on the full amount of its capital up to the day on which the certificate is filed with the register of deeds, as provided in section two of this act. Capital stock may be reduced. Proviso.

SECTION 2. The president and cashier of this bank may, at any time after the passage of this act, file in the office of the register of deeds of Waupaca county a certificate, under oath, stating the sum to which the capital stock of said bank is reduced, and from and after the filing of said certificate, the capital stock of said bank shall be so reduced, and from that time the tax shall be collected only on the stock so reduced. Certificate to be filed.

Bank may remove its place of business.

SECTION 3. The said bank is hereby authorized to remove its place of business from Weyauwega, in the county of Waupaca, to any other place in this state where by law a bank may legally be located, upon filing with the bank comptroller a certificate of the secretary of state, that said bank has complied with the requirements of subdivision thirteen, mentioned in section one of this act, and setting forth in said certificate the place to which said bank is removed: *provided*, the holder or holders of any outstanding circulating notes of said bank may have such notes presented and the payment thereof demanded, and may cause such notes to be protested for non-payment at the place to which it shall be removed, in the same manner and with the like effect as if the same had been so presented, demanded and protested at Weyauwega, in said county of Waupaca.

Notes may be protested at new place of business.

Certificate of future place of business to be

SECTION 4. Before the removal of said bank, as provided in section three of this act, a certified copy of the certificate recorded in the office of the register of deeds of Waupaca county, in pursuance of section nineteen of "an act to authorize the business of banking in the state of Wisconsin," approved April 19th, 1852, shall be filed in the office of the register of deeds in the county to which said bank shall remove, as herein provided.

When comptroller to issue notes to bank.

SECTION 5. The bank comptroller shall not issue to said bank, after it shall file its certificate to remove its place of business, as herein authorized and provided, any circulating notes, unless the same shall distinctly mention the place to which it shall be removed as the place of their issue and redemption.

Bank may change its name, &c.

SECTION 6. The said bank shall have power, and is hereby authorized, to change its name from the Bank of Weyauwega to that of any other name, upon the president and cashier of said bank filing with the bank comptroller a certificate, setting forth the name selected for said bank, and the written indorsement on the same of the approval of the bank comptroller to the name so selected, and shall file in the office of the register of deeds of the county where said bank is located, a copy of said certificate, and when so filed, the name of the Bank of Weyauwega shall be changed to the name so selected, and under its new name so chosen, shall be liable to pay all the debts, dues, obligations and demands against said Bank of Weyauwega of every name and

nature, and the circulating notes of said bank may be presented for redemption to the bank under its new name, with the like force and effect as if presented to the Bank of Weyauwega before the change of name.

SECTION 7. After the change of name of said bank, the bank comptroller shall not issue any circulating notes to said bank without having the name and place of redemption of its notes distinctly placed upon the bill so issued. Name to appear on notes hereafter issued to bank.

SECTION 8. This act shall and be in force from and after its passage and publication.

Approved March 30, 1864.

CHAPTER 222.

[*Published April* 11, 1864.]

AN ACT to amend section three of chapter one hundred and sixty-four the general laws of 1864, entitled "an act to legalize the acts of the trustees of the Oconomowoc cemetery association of the town Oconomowoc, in Waukesha county, in purchasing and platting their new grounds, called LaBelle cemetery, and to vacate the Oconomowoc cemetery."

(*See supplement to local laws.*)

CHAPTER 223.

[*Published April* 11, 1864.]

AN ACT to change the time of holding the annual school meetings in the town of Boscobel, Grant county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The annual school district meetings in the town of Boscobel, Grant county, shall be held on the last Monday of August, in each year. To be held last Monday of Aug.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1864.

CHAPTER 224.

[*Published March 18, 1864.*]

AN ACT to provide a "sinking fund" for paying certain debts of the La Crosse and Milwaukee railroad company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

12 per cent. of gross earnings of road to be paid to state treasurer as a sinking fund.

SECTION 1. Any company or companies, organization or organizations, by whatever name the same may be known, receiver, manager, superintendent, person or persons who now are or hereafter may be using, controlling, occupying or operating the railroad, or any part thereof, heretofore built and constructed as one continuous line of railroad from Milwaukee to La Crosse, under and by virtue of "an act to incorporate the La Crosse and Milwaukee railroad company," approved April 2d, 1852, and the several acts amendatory to the same, shall annually, on the first day of January, in each year, pay to the state treasurer of this state the sum of twelve per cent. upon the gross earnings of said railroad for the preceding year, or of such portion of said railroad as shall have been under their management, respectively, during said year, or any part thereof, to create and constitute a fund to be denominated "the sinking fund of the La Crosse and Milwaukee railroad."

Treasurer to receive fund, &c.

SECTION 2. The state treasurer of this state shall be required to receive the said fund, and dispose of it as hereinafter directed.

Fund to be applied to payment of such bonds secured by "farm mortgages," as may be presented to treasurer.

SECTION 3. Any person or persons holding any bond or bonds of the La Crosse and Milwaukee railroad company, accompanied by a note and real estate mortgage as collateral security thereto, commonly called "farm mortgages," which have been used and disposed of by the said railroad company, may at any time hereafter, and before the first day of January, in the year one thousand eight hundred and sixty-eight, present to the state treasurer the said bond or bonds so accompanied by the said note and real estate mortgage, or notes and mortgages, as the case may be, with the interest coupons on the said bonds all canceled, and the interest on the said note or notes indorsed thereon as fully paid up to the first day of January, one thousand eight hundred and sixty-five; and the state treasurer shall make an

entry in a book to be provided by him for that purpose, of the number, date and amount of such bond or bonds, and also of the date and amount of each of the notes and real estate mortgages accompanying such bond or bonds, and the name or names of the makers thereof.

A *pro rata* apportionment of fund to be made by the treasurer among the bonds thus presented.

SECTION. 4. The state treasurer shall annually, on the first day of February, in each year, make a correct apportionment of the whole of the said "sinking fund" then in his hands, among such of the said railroad bonds as have been so presented to him and so entered by him in a book, as directed and required by section three of this act, *pro rata*, according to the amount of each, and pay to the holders thereof, at the office of the said state treasurer, the amount so apportioned to each, respectively, and shall indorse the amount so paid upon each of the said bonds and upon each of the said notes so accompanying such bonds; and the said bonds and notes shall bear annual interest from the first day of January, one thousand eight hundred and sixty-five, at the rate of seven per cent. per annum; and the state treasurer shall make an annual distribution of the said "sinking fund" among the holders of the said bonds, notes and mortgages, until the whole amount of said bonds, including interest and principal, is fully paid, at which time he shall cancel said bonds and execute to the maker or makers of such note and mortgage a certificate that such mortgage is paid and satisfied.

When bonds fully paid, treasurer to execute certificate of the fact.

On filing certificate in proper county, mortgage to be canceled.

SECTION 5. The register of deeds of any county wherein any of the lands so mortgaged to the said railroad company are situated, upon the presentation to him at his office of such certificate of the state treasurer, shall cancel such mortgage of record.

If company refuse to make payment, governor to appoint receiver, &c.

SECTION 6. If any such company, companies, organization or organizations, by whatever name the same may be known, receiver, manager, superintendent, person or persons, described in the first section of this act, shall refuse or neglect to make the payment to the state treasurer for the creation of the said "sinking fund," for the space of thirty days after the first day of January, in any year, as required by the said first section of this act, it shall be the duty of the governor of this state, and he is hereby required, to appoint a receiver for such delinquent portion of said railroad, who shall execute a bond to the people of this state, in such penal sum as the governor shall direct, with such

Receiver to execute bond, and make required contribution.

sureties as he shall approve, conditioned for the faithful performance of the duties of such receiver, and who shall be authorized and required to take immediate possession of said railroad, or of the delinquent portion thereof as aforesaid, its rolling stock, depots, offices, machine shops, and all its property necessary to and connected with its operations, and to operate the said railroad, or delinquent portion thereof, and out of its earnings to make the contribution to the said "sinking fund" required by the first section of this act, and the surplus, after paying the current expenses of operating and necessary repairs of the said road, or such portion thereof, and its rolling stock, he shall pay over to the owner or owners of such road or porton thereof, or to the person or persons authorized to receive it for the time being; and he shall continue in the possession and occupancy of the said railroad, or delinquent portion thereof, until the said bonds and notes are fully paid, or until the owner or owners or operators of the said railroad or portion thereof, shall comply with the provisions of this act.

Contributions to cease, when bonds shall be paid, &c.

SECTION 7. After the full payment of the said bonds, and the discharging of said notes and mortgages, as provided in this act, the annual contributions to the "sinking fund" shall cease; and if any surplus of said fund shall remain in the hands of the state treasurer, he shall pay the same over to the respective owners of said railroad, or to those authorized for the time being to receive it; and if the said railroad shall at that time be in possession of a receiver, appointed under the provisions of this act, such receiver shall be discharged, and the possession of the railroad, its rolling stock, fixtures, and other property delivered to the person or parties rightfully entitled to the same.

SECTION 8. This act shall be a public act, and be in force from and after its passage.

Approved March 30, 1864.

CHAPTER 225.

[*Published April* 11, 1864.]

AN ACT to incorporate the Western mining company.

(*See supplement to local laws.*)

CHAPTER 226.

[*Published April* 11, 1864.]

AN ACT to authorize the improvement of the Menominee river, in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The owners of land situated on the opposite sides of the Menominee river, in the city of Milwaukee, between Union street, in the fifth ward, and the east line of section thirty-one in the eighth ward, are hereby authorized and empowered, within the limits of such land so owned by them, to straighten and widen the channel thereof: *provided*, that the navigation of no part of said river shall be interrupted thereby, to the damage of any person, without compensation; *and provided, further*, that the dock lines of the river when permanently established, shall conform to the ordinances of said city, and such portion of said river shall be subject to the cotrol of said city, in like manner as the improved portions of the Menominee and Milwaukee rivers. River may be straightened and channel widened. Proviso.

SECTION 2. Whenever the owners of any portion of the land lying on opposite sides of said river and of the proposed improvement, shall determine to straighten and widen said river, they shall make a plan or map of such improvement, by them duly signed and acknowledged, showing the lines and boundaries thereof, and shall file the same with the clerk of the common council of said city, which map, unless disapproved by the Map of improvements to be made, &c.

common council, shall operate as a dedication of the land and water therein laid out for a river to the public as a navigable river.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1864.

CHAPTER 227.

[*Published April* 13, 1864.]

AN ACT to incorporate the Berlin and Lake Superior railroad company.

(*See supplement to local laws.*)

CHAPTER 228.

[*Published April* 5, 1864.]

AN ACT to amend section one of chapter 390 of the general laws of 1862, relating to the superintendent of public property, and the purchase and distribution of stationery.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Stationery to be purchased by superintendent of public property.

SECTION 1. Section one of chapter 390 of the general laws of 1862, is hereby amended, so as to read as follows: "Section 1. Chapter 27 of the revised statutes, entitled 'of the state superintendent of public property, and the purchase and distribution of stationery for the use of the state,' is hereby amended, by striking out the whole of section five of said chapter, and inserting the following in lieu thereof: 'The superintendent of public property is hereby constituted the agent of the state to purchase all stationery for the use of the state, at a compensation not exceeding five hundred dollars per annum, which agent shall let the contract every year for furnishing the said stationery to

Compensation.

the lowest bidder, as provided in section twenty-five of article four of the constitution. And the said agent so appointed, shall report to the legislature, during the first week of each annual session, the amount of stationery purchased by him during the next preceding year, up to the day of making such report, of whom all such stationery has been purchased, the amount of cash paid on such stationery, if any, the amount purchased on credit, if any, the amount of indebtedness against the state for stationery, if any, and to whom such indebtedness is due.' " To make report, &c.

SECTION 2. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated, the sum of five hundred dollars, for the purpose specified in section one of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1864.

CHAPTER 229.

[*Published April* 7, 1864.]

AN ACT to incorporate the St. Croix and Mississippi steamboat navigation company.

(*See supplement to local laws.*)

CHAPTER 230.

[*Published April* 14, 1864.]

AN ACT to incorporate the village of Columbus.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The inhabitants of the district of country included within the following territory, in the county of Columbia, in this state, to wit: All of section thir- Boundaries.

open until four o'clock; and after the first election, the trustees, or any two of them, and the clerk of said village, shall constitute the board of election.

Duties of president.

SECTION 9. The president shall preside at the meetings of the trustees, keep the seal of said corporation, sign all commissions, licenses and permits which may be granted by the trustees. He shall maintain peace and good order, and see that the ordinances of the village are observed and executed.

Meetings of president and trustees.

SECTION 10. The president and trustees shall prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public, shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection of every citizen at all reasonable times and hours, and shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their own government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its own members.

Peace officers, and their powers.

SECTION 11. The president, each and every trustee, marshal of the village of Columbus, each and every justice of the peace and constable of the town of Columbus, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly conduct, in a manner consistent with the ordinances of said village, within the limits thereof, and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens; and if any person shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinance of the village, in such cases provided.

May command assistance.

Marshal—his powers and duties.

SECTION 12. The marshal shall possess all the powers and enjoy all the rights of a constable in the town of Columbus, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed by the president or any justice of the peace having power to issue the same, and when necessary in criminal cases, or for violation of any ordinances of said village, he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said village,

and pursue and arrest any person fleeing from justice in any part of the state of Wisconsin, to apprehend any person in the act of committing any offenses against the state or the ordinances of this village, and forthwith bring such persons before competent authority for examination; and for such services, he shall receive like fees as are allowed to constables for like services. Said marshal shall execute and file with the clerk a bond for the faithful performance of his duty, in such sum as shall be approved by the trustees. Fees.

SECTION 13. The treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said village. All moneys raised, received, recovered or collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belong to said village, shall be paid into the village treasury, and shall not be drawn therefrom except by written order, signed by the president and countersigned by the clerk, by order of the trustees. Such order shall specify the amount of money to be drawn, and its objects. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain [the property] of the village, wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums respectively arise, which said book, at all reasonable times, shall be open to the inspection of the electors of the village. He shall, as often as the trustees require, render to the said trustees a minute account of his receipts and payments, and at the expiration of his term of office, he shall hand over to his successor all the moneys, books and vouchers in his possession belonging to said village. He shall, before he enters upon the duties of his office, execute to the president and trustees a bond for the faithful discharge of his duties, to be approved by the trustees, which shall be in at least double the amount of taxes to be raised in the year for which he was elected. Treasurer—his duties. Official bond.

SECTION 14. It shall be the duty of the clerk to keep a record of the proceedings of the board of trustees, especially of the passing of by-laws, ordinances and regulations, and also a faithful record of the proceedings and votes of the inhabitants of said village at Clerk—his duties.

His records to be evidence.

their annual and other legal meetings, and to keep on file all papers which may be ordered by the trustees. The record kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the records of all proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of the contents of the same.

Official oath, and effect of omission to take and file.

SECTION 15. Every officer elected in said village shall, within ten days after he has been notified of his election, take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk, and in case of his omission to do so, he shall be deemed to have refused to serve, and his place shall be filled in the manner prescribed in this act.

Special meetings.

SECTION 16. Special meetings may be called by the clerk of said village by order of the board of trustees, by giving fifteen days' notice thereof in a newspaper of the village, or by posting three notices in public places for the same length of time. Every notice of a special meeting shall state the object for which such meeting is called.

Vacancies.

SECTION 17. The board of trustees shall have power to fill any vacancy in any office of the village, at such time and in such manner as a majority of the board may determine.

Powers of president and trustees.

SECTION 18. The president and trustees shall have power to enact, establish, publish, enforce, alter, modify, amend or repeal all such ordinances, rules and by-laws for the government and good order of the village, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws are hereby declared to be and to have the force of law: *provided*, that they be not repugnant to the constitution and the laws of the United States or of this state; and for these purposes shall have authority, by ordinances or by by-laws, to organize fire companies, hook and ladder companies, to regulate their government and the time and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to regulate the storage of gun-

powder and other dangerous materials; to direct the construction of a safe place for the deposit of ashes; to appoint one or more fire-wardens to enter into, at reasonable times, and examine the dwelling houses, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; to regulate the manner of [putting up] stoves and stove-pipes; to prevent bonfires and the use of fireworks and firearms within the limits of said village; to aid in the extinguishment of fires, and to pull, break down and raze such buildings in the vicinity of the fire as shall be directed by the trustees, or any three of them who may be at the fire, for the purpose of preventing its communication to other buildings; to construct and preserve reservoirs, pumps, wells and other water works, and to regulate the use thereof; and, generally, to establish other measures of prudence for the prevention and extinguishment of fires, as they may deem proper.

Nuisances.

2d. To prevent, abate and remove nuisances, and to take such measures for the public health as they may deem proper, and to compel the owner or occupant of any grocery, saloon, any cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, market, privy, sewer, or other unwholesome or other nauseous houses or places, to clense, remove or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the village.

Licenses.

3d. To license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses [or] theatrical performances, under the ordinances or common law.

Gambling.

4th. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or any other games of chance, for the purpose of gaming, in said village.

Riots, &c.

5th. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, or houses of ill-fame, shows or exhibitions.

Slaughter houses.

6th. To direct the location and management of all slaughter houses and markets.

Encumbering walks.

7th. To prevent the encumbering of the streets, sidewalks, crosswalks, alleys or public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood or other material or substances whatever.

Racing and indecent exhibitions.

8th. To prevent horse-racing, immoderate driving or riding in the public streets, to prevent the public exhibition of stallions, and to regulate the place of bathing and swimming in the waters within the limits of the village.

Cattle, hogs, &c.

9th. To restrain the running at large of cattle, swine, sheep, horses and other animals, and to authorize the distraining and sale of the same, and to impose a fine, not exceeding five dollars, for every such animal found so going at large in violation of the laws of the village.

Dogs.

10th. To prevent the running at large of dogs, and authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, or to impose a tax upon the same.

Removal of offensive substances.

11th. To prevent any person from bringing, depositing or having within said village any putrid carcass or any unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or any putrid or unwholesome beef, pork, fish, hides or skins of any kind, and in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons, unless such putrid carcass or unwholesome substance shall have been deposited upon said premises by some person other than the owner thereof, in which case the person so depositing the same, if known, may be compelled to remove it.

Health, cemeteries, &c.

12th. To establish and regulate boards of health, to provide hospital and cemetery grounds, regulate the burial of the dead and the returns of the bills of mortality, and to exempt burying grounds set apart for public use, from taxation.

Wood, hay, &c.

13th. To provide for and regulate the sale wood, hay and other commodities.

Driving on walks.

14th. To prevent all persons from riding or driving any horse or mule, cattle or other animal on the sidewalks in said village, or in any way doing any damage to such sidewalks.

Drunkenness, &c.

15th. To restrain drunkards, immoderate drinking, obscenity in the streets or public places, and provide

for arresting, removing and punishing any person who may be guilty of the same.

16th. To regulate the police of the village, to appoint watchmen and firemen, prescribe their duties and punish their delinquencies. Police.

17th. To protect trees and monuments in the village. Trees, &c.

SECTION 19. In all cases in relation to which, by the provisions of this act, the president and trustees have power to enact or pass ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances or by-laws, not exceeding fifty dollars for any one offense in violation or non-observance thereof; and may also provide that, in default of payment of any judgment rendered for any violation or non-observance, the offender may be imprisoned for such time as they may, by such ordinance, direct, not exceeding forty days; for which purpose the village of Columbus shall have the use of the jail of the county of Columbia for the imprisonment of any person liable to be imprisoned; and all persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county. Penalties. Offender may be imprisoned. Use of county jail granted.

SECTION 20. On all suits for the violation of any ordinance of the village, the process may be by warrant, and it shall be sufficient, without setting forth the special matter, to declare, generally, in reference to the ordinance under which the action is brought. The defendant may answer and give the special matter in evidence; and a copy of an ordinance published in a newspaper or pamphlet, by authority of the trustees, or posted up, as hereinafter provided, shall by *prima facie* evidence of the passage and publication of such ordinance. Suits for violation of ordinances, &c. Printed copy *prima facie* evidence.

SECTION 21. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-law of said village, shall contain a clause directing, in the event of non-payment of the judgment, the imprisonment of the defendant in the county jail, for such term as shall have been provided for by the ordinances under which the judgment shall have been rendered. All fines, penalties and forfeitures, when collected, shall be paid into the treasury of the village, and all expenses incurred in prosecuting for the re- Imprisonment for non-payment of judgments. Village to have penalties, &c.

covery of any fine, shall be defrayed by the corporation.

Publication of ordinances, &c.

SECTION 22. Any ordinance, regulation, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published two weeks in some newspaper printed in said village, or posted up as hereinafter provided, before the same shall be in force; and proof of such publication, by affidavit of the printer or foreman in the office of such newspaper, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, rule or by-law, in all courts and places.

Competency of justice, &c.

SECTION 23. No person shall be an incompetent judge, justice, juror or witness, by reason of his being an inhabitant of said village, in any action or proceeding in which the said village is a party or interested.

Further powers conferred upon trustees.

SECTION 24. The trustees shall have power to appoint one street commissioner; to insure the public property of the village; to direct in the prosecution and defense of suits in which said village may be a party; to procure the necessary blank books for records, and such other stationery as may be required for village purposes; to audit and allow all lawful accounts against said village, and to draw an order on the treasurer for the payment of the same; to fix the compensation of the clerk, treasurer, marshal and street commissioner, which compensation shall not be greater than town officers are allowed by law for the same or like services; to levy and collect taxes on all such property as shall be subject to town and county taxes: *provided*, that the taxes levied for corporation purposes shall not in any one year exceed the sum of two hundred dollars, unless two-thirds of the electors of said village, at a meeting legally called for that purpose, notice of which, and of the sum to be raised, and the object for which it is to be raised and expended, shall have been given fifteen days previously, shall vote to allow a larger sum to be raised; but in no case shall the electors be allowed to raise by vote more than one-half of one per cent. on the assessed valuation of property in the village limits.

Limit to taxes.

Auditing accounts.

SECTION 25. No account or claim against said village shall be paid, until it shall have been presented to the trustees thereof, and audited and allowed by them; and when any account shall be so audited, the trustees

so auditing the same shall indorse thereon, or annex thereto, a certificate, subscribed by them, of such auditing and allowing or disallowing the same, in which the sum allowed, if any, and the charges for which the same was allowed, shall be specified.

Making out and verifying accounts.

SECTION 26. No such account or claim shall be audited or allowed by the trustees, until it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the services or made the disbursements therein charged, that the several items of the account or claim are correct, that the services therein charged have been rendered, that the disbursements therein charged have been made, and that no part thereof has been paid. Such affidavit shall be indorsed on or annexed to such account or claim, and presented and preserved therewith. Any one of the trustees, when such account or claim shall be presented to them, may administer the oath required by this section, and the said trustees may examine the claimant on oath as to the items in such account or claim.

Trustees not prevented from allowing claims.

SECTION 27. Nothing in the last preceding section shall be construed to prevent the trustees from allowing any account or claim, in whole or in part, when so made out and verified, nor from requiring other and further evidence of the correctness thereof.

Accounts to be numbered, &c.

SECTION 28. Every account or claim against said village, presented to the trustees in any one year, shall be numbered from number one and upwards, in the order in which it may be presented, and a memorandum of the time of presenting the same. The name of the person in whose favor it shall be made out, and of the person by whom it shall be presented, shall be entered in the records of the proceedings of the trustees.

Nature of warrant, &c.

SECTION 29. Every warrant drawn by the trustees to pay any claim or account, shall refer to such account by its number, the name of the person in whose favor it was made out, and the time when it was presented; and a memorandum of such reference, and of the amount of the warrant, shall be entered in such records before such warrant shall be delivered to the claimant.

How claims paid.

SECTION 30. No such account or claim shall be paid except by the treasurer, on the warrant of the trustees,

indorsed on or annexed to the account or claim for which it shall be drawn.

Paid accounts to be filed.

SECTION 31. Whenever any such account or claim shall be paid, it shall, together with the affidavit presented therewith to the trustees, the certificate of auditing and allowing the same, and the warrant drawn for the payment thereof, be filed and preserved in the treasurer's office.

Sidewalks.

SECTION 32. Whenever the owners of two-thirds of the lots or parts of lots belonging to residents of this village, bounding one side of any street or part of street, shall desire to have a sidewalk built or repaired, they shall make application in writing, specifying the sidewalk or repairs desired, and the said trustees shall direct the same to be done, by serving a written notice on the owner, if resident, or publishing a notice in the village newspaper to non-resident owners of each lot or part of lot, allowing sixty days to complete the same, according to petition. On the expiration of the sixty days, if the owner or agent of any lot or part of lot shall have failed to make or complete the improvement as directed, the trustees shall cause the same to be done, and the cost of the same shall be added to the regular yearly taxes assessed on such lot or part of lot, and collected in the same manner as the regular yearly taxes.

How delinquent walk or improvement may be completed.

SECTION 33. On the expiration of the sixty days allowed to complete any improvement or sidewalk, the street commissioner, under the direction of the trustees, shall proceed to make such delinquent sidewalk or improvement, and on completing the same, shall make return, verified by his affidavit subscribed therein, setting forth the amount and cost of labor and material expended on each delinquent lot or part of lot, and the amount so expended shall be charged to such lot or part of lot by the village clerk, and the same shall be added to the next assessment roll, in a separate column, with ten per cent. added thereto, opposite the name of the person or the description of the property against which such delinquent improvement or sidewalk was made, by the said street commissioner, and the same shall be collected in the same manner as the general taxes of said village are collected.

General tax—how assessed and raised.

SECTION 34. The trustees shall, between the first Tuesday in May and the second Monday in June, in

each year, determine the amount of general tax necessary to be assessed and collected in said village the current year; and they shall certify the same, attested by their clerk, to the town clerk of the town of Columbus, on or before the last Monday in November, who shall proceed to apportion and assess the same on the real and personal property of that part of the town of Columbus embraced within the village limits, as the same shall appear on the assessment roll for the current year, placing the same in a separate column, in the next assessment roll of the town delivered to the town treasurer for collection; and if, for any reason, such certificate shall not be received in time to include in the next assessment roll, it shall be included and assessed in that of the next succeeding year, and such tax shall, in all respects, be collected or returned delinquent like other taxes, and when collected, the money shall be paid over by the town treasurer to the treasurer of the village of Columbus.

Delinquent improvements.

SECTION 35. The trustees shall also certify, in a like manner, all delinquent improvement or sidewalk taxes, with a description of the persons or lots or parts of lots to which such tax is chargeable, and the amount chargeable to each person or lot, or part of lot, and the town clerk shall place the amount so returned as delinquent on the town assessment roll, opposite the description of said lots, and such tax shall be collected in all respects, or returned delinquent, like other taxes; and when collected, the money shall be paid over by the town treasurer to the village treasurer.

Highway tax.

SECTION 36. The trustees shall have power to tax each male person who by the laws of this state is subject to perform highway work or labor, one day's labor in each year, to be expended on the streets of said village, but any such person may, at his option, pay one dollar for such poll tax, which money and labor shall be expended by the street commissioner, under the direction of the trustees; and in default of the payment of such labor or money, the street commissioner may sue for and collect such money, with the costs of suit, in the name of the village of Columbus. All persons desiring to do so, shall have the privilege to expend such labor or money on the street or streets adjacent to their own lots, if such streets, in the judgment of the road commissioner, need highway labor.

Jurisdiction of justices.

SECTION 37. The justices of the peace within said corporation, shall have jurisdiction of all cases under the provisions of this act, or for the violation of any ordinance or by-law thereof; and in all such cases, and in all criminal cases, and in suits for damages done to real estate, if the suit should be removed from the justice before whom the same was commenced, for prejudice or other cause, the papers shall be transmitted to some other justice in the said corporation, and if there be no such justice, or if he be absent or sick, in that case the papers shall be transmitted to the nearest justice of the county in which the defendant may reside, or in which the writ was issued.

Statement of finances to be published.

SECTION 38. The trustees of said village shall, within ten day next preceding every annual election, cause to be published, in three public places of the village, by posting up written notices, a statement which shall show the name of every person who shall have had an account or claim allowed by them, the amount of such account or claim as presented, the amount allowed, and a brief statement of the nature of the demand. It shall also give a brief statement of the condition of the treasury. The first statement so published, shall embrace all accounts allowed from the incorporation of the village to the time of publishing the same, and each subsequent statement shall embrace all accounts allowed to the time of publishing, from the publication of the last preceding statement.

Failure to hold election. not a suspension of corporation.

SECTION 39. If any election provided for in this act, shall for any cause not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending or abolishing the said corporation, but such election may be held at any time thereafter, by order of the supervisors of the town; otherwise, by order of the trustees of said village, of which time ten days' notice shall be given; and further, if any of the duties enjoined by this act, at a time herein specified, or specified by any ordinance of said village, are not then done, the trustees of said village may appoint another time upon which the said duties may be performed: *provided*, that the officers so failing to execute such duties, at the time required, shall be liable to the same actions, fines and penalties as they would have been had not said power been conferred upon and exercised by the trustees.

Liability of officers.

SECTION 40. A majority of the trustees shall be a quorum for the transaction of business, but a less number may meet and adjourn from time to time, until a quorum shall be present, but shall do no other business, and in the absence of the president, three trustees being present, one of the number may be appointed chairman *pro tem.* Quorum, &c.

SECTION 41. All notices, ordinances, rules, orders, by-laws or other instruments required by any of the provisions of this act to be published in a newspaper printed in said village, may instead thereof be published by posting up printed or written copies, in three public places in said village, at the time the same may be required as aforesaid to be published, which posting up shall, to all intents and purposes, have the like force and effect as if the same had been regularly printed in a newspaper published in said village, and the affidavit of one person setting forth the time and manner of such posting, shall be received as proof of the facts therein contained, in all courts and places. How ordinances, &c. may be published. Proof of advertising.

SECTION 42. In case the first election provided for in the seventh section of this act, shall not be held at the time and place specified in said section, it shall be lawful for any of the legal voters, not less than twenty in number, who are residents of the corporate limits, to issue a call for such election, which call shall state the time and place that such election will be held, and shall be published at least ten days before such election occurs, and the persons elected at such first election shall hold their respective offices until the first Tuesday in May next after such election, and until their successors are elected and qualified. In case first election is not held.

SECTION 43. In case this charter shall hereafter be in any way altered or amended, such alteration shall not take effect until the same shall have been submitted by the trustees to a vote of the qualifid electors at a general election or special election duly notified for that purpose, and shall be approved by a majority voting at such election. How charter may be amended.

SECTION 44. The president and trustees of said village shall receive no pay or emoluments for any services performed for said village, or for the discharge of any of their official duties, and they shall not be, either directly or indirectly, interested in any contract made with or work done for said corporation. No compensation.

Limitation of powers of corporation.

SECTION 45. Said corporation shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account or advanced in its behalf by its officers or any other person, nor shall any of its money or property be applied to any such purposes, nor shall this corporation incur any debt or liability in any year greater than the amount of tax allowed by this act to be raised by said corporation in the year in which said liability was incurred, unless two-thirds of all the legal voters of said village shall vote in favor of incurring such debt.

Duties of street commissioner.

SECTION 46. The street commissioner of said village shall, under the direction of the president and trustees, superintend the grading and the building and repairing of sidewalks and crosswalks and the expenditure of taxes levied and collected for such purposes, and shall receive such compensation for his services as shall be allowed by the trustees under the provisions of this act.

Objects not otherwise attainable.

SECTION 47. It is hereby declared that in the judgment of the legislature of this state, the objects of the incorporation named in this act cannot be attained under or by the general laws for the incorporation of villages.

Approved March 30, 1864.

CHAPTER 231.

[*Published March* 31, 1864.]

AN ACT to divide the eighth judicial circuit and organize an eleventh judicial circuit, and to fix the time for holding the circuit court in the counties of the said eleventh circuit, and to repeal chapter 119 of the general laws of 1864, entitled "an act relating to and conferring civil jurisdiction upon the county court of Douglas county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

11th judicial circuit organized—counties constituting it.

SECTION 1. From and after the first day of July, in the year one thousand eight hundred and sixty-four, all that portion of this state included within the counties of Ashland, Burnett, Dallas, Polk, Douglas and La Pointe, shall constitute and be a separate judicial cir-

cuit, to be known and designated as the eleventh judicial circuit; and all that portion of this state included in the counties of Chippewa, Dunn, Eau Claire, Pepin, Pierce and St. Croix, shall continue to be the eighth judicial circuit.

Counties constituting 8th circuit.

SECTION 2. The terms of the circuit court in the several counties of the eleventh judicial circuit, after its organization, shall be holden at the times following, to wit: In the county of Ashland, on the second Monday of May and first Monday of October, of each year; in the county of Burnett, on the third Monday of April and third Monday of November, of each year; in the county of Dallas, on the fourth Monday of April and fourth Monday of November, of each year; in the county of Polk, on the second Monday of April and second Monday of November, of each year; in the county of Douglas, on the fourth Monday of May and fourth Monday of October, of each year; in the county of La Pointe, on the third Monday of May and third Monday of October, of each year.

Terms of court in 11th circuit.

Ashland co.

Burnett.

Dallas.

Polk.

Douglas.

La Pointe.

SECTION 3. An election shall be holden in said eleventh judicial circuit, for the election of judge of the circuit court thereof, in the several counties and precincts, on the first Tuesday of May next. Such election shall be conducted and the votes canvassed in the same manner as at general elections for state and county officers. The inspectors or judges of said election shall make returns thereof to the clerk of the board of supervisors of their respective counties, immediately after the same are canvassed, and the said clerks of the boards of county supervisors shall file the same in their offices, and forthwith transmit a copy thereof to the governor of this state.

Election for judge, May 3.

Return of votes, &c.

SECTION 4. On the third Monday of June next, the governor, with the secretary of state and treasurer, shall proceed to canvass said returns, and the person having the highest number of votes for said office, cast in said circuit, shall be the judge elect of said eleventh judicial circuit; and the governor shall transmit to the person so elected a certificate of his election, under the seal of the state; and in case there shall be a tie, the governor shall forthwith proclaim the fact, and order a new election in said circuit.

Canvass by state board.

Certificate of election.

SECTION 5. The judge elect, before he enters on the duties of his office, shall take and subscribe the follow-

Oath of judge.

ing oath or affirmation: "I, —— ——, do solemnly swear, (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and that I will administer justice without respect to persons, and will faithfully and impartially discharge the duties of the office of judge of the circuit court of the state of Wisconsin, according to the best of my ability." Such oath or affirmation shall be duly certified by the officer administering the same, and by said judge be filed in the office of the secretary of state.

When judge to enter upon duties of office, &c.

SECTION 6. Said judge shall enter upon the duties of his office on the first day of July, in the year one thousand eight hundred and sixty-four, and shall hold his office for the term of six years, and until his successor is elected and qualified. He shall have all powers and jurisdiction conferred upon other judges of the circuit courts of this state, and shall perform like duties, receive like compensation, and have the same rights and privileges.

Special terms.

SECTION 7. It shall be the duty of said circuit judge to hold at least two special terms of the circuit court within said circuit, in each year, for the transaction of all business not requiring the intervention of a jury. The times and places for holding such special terms, shall be designated and appointed once in two years, by an order of said judge, which he shall cause to be published in each and all the newspapers published within said judicial circuit, for not less than three weeks immediately after making said order.

Repeal.

SECTION 8. Chapter 119 of the general laws of one thousand eight hundred and sixty-four, entitled "an act relating to and conferring civil jurisdiction upon the county court of Douglas count," is hereby repealed.

Duty of sec'y of state.

SECTION 9. This act shall take effect from and after its passage and publication; and the secretary of state shall forthwith transmit by mail a printed copy of this act to each of the clerks of the circuit courts within the counties mentioned in this act.

Approved March 31, 1864.

CHAPTER 282.

[*Published April* 7, 1864.]

AN ACT relating to standards of weights and measures and sealers thereof, for the several towns and cities of the county of Rock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Election of sealer of weights and measures in Janesville and Beloit.

SECTION 1. At the next annual election for the election of city officers, to be held in the cities of Janesville and Beloit, and annually thereafter, there shall be elected by the qualified electors of each of said cities, a sealer of weights and measures, who shall be elected and shall qualify in the same manner as other officers of said cities are elected and qualified, and whose term of office shall be for one year and until his successor is elected and qualified.

Weights, measures, &c. for use of towns and cities.

SECTION 2. The board of supervisors of each town and the common council of each city in the county of Rock, are hereby authorized to procure for the use and at the expense of their town or city, a complete set of weights and measures, and scales and beams, in conformity with those required to be kept in the county treasury, or such portion of the same as they may deem necessary for the use of their respective town or city; but the same may be made of such suitable materials as the supervisors or common council may direct, which shall be tried and proved by the county treasurer, and be by him sealed and certified, and when so sealed and certified, such weights and measures, scales and beams, shall be deposited with the sealer of weights and measures, and the same shall be kept by him as the standard of weights and measures for the town or city.

How to be tried.

Fees for sealing weights, measures, &c.

SECTION 3. The county treasurer or any of the town or city sealers of weights and measures of said county of Rock, shall prove and seal all scales, beams, weights and measures presented to him for that purpose, and shall be entitled to receive from the person presenting the same, a fee of six cents for the first sealing of every weight, measure, scale or beam, and four cents for every subsequent sealing of the same, and a reasonable compensation for all alterations made in said articles. They shall also provide and keep a seal like unto the seal required by law to be kept by the state treasurer, with

which they shall seal all such scales, beams, weights and measures.

Penalty for neglect of duty.

SECTION 4. If any sealer of weights and measures shall neglect to perform his duties, as prescribed in this act, he shall forfeit for each neglect the sum of five dollars.

Weights and measures to be tried every three years.

SECTION 5. Once in every three years, each town and city sealer of weights and measures, for the time being, shall cause the said standards in his keeping to be tried, proved and sealed by the county standard, under the direction of the county treasurer.

Weights and measures of dealers to be sealed.

SECTION 6. The board of supervisors of said county of Rock shall have power, by order, to require each and every person who shall buy and sell by weight and measure, any article or articles within either of the towns of said county, to get his said weights and measures sealed in the manner herein provided, and shall also have power to impose adequate penalties for violation of such order.

Ibid.

SECTION 7. The common council of each of the cities of Janesville and Beloit shall have power, by order or ordinance, to require each and every person who shall buy or sell by weight or measure, any article or articles within the limits of their respective cities, to cause their weights and measures to be sealed in the manner herein provided, and shall also have power to impose adequate penalties for any violation of such order or ordinance.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 233.

[*Published April* 1, 1864.]

AN ACT to amend chapter 277 of the general laws of 1860, entitled "an act relating to school, university, swamp and overflowed lands belonging to the state, and to repeal section 9 of chapter 39 of the revised statutes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter 277 of the general laws of 1860, entitled "an act relating to school, university, swamp and overflowed lands belonging to the state, and to repeal section nine of chapter twenty-nine of the revised statutes," is hereby amended, so as to read as follows: "Section 1. The commissioners of school and university lands are hereby authorized and empowered to appoint such number of clerks, not exceeding eight, as they may determine to be necessary for the purpose of protecting the school, university, swamp and overflowed lands belonging to the state, or any lands in which the state may have an interest, legal or equitable, from any injury from any person or persons trespassing thereon, by digging or removing any mineral therefrom, or by cutting or removing, or in any manner injuring any lumber, timber, trees, wood or bark being, standing or growing on such premises."

School land commissioners authorized to appoint clerks to protect lands.

SECTION 2. Section two of said chapter is hereby amended, so as to read as follows: "Section 2. It is hereby made the duty of the commissioners of school and university lands, and they are hereby authorized and empowered, to prescribe, by written rules and regulations, the duties and the compensation of such clerks: *provided*, that no such clerk shall receive more compensation for his services than shall be paid to a clerk employed in the school bureau, at Madison, and only for the time he shall be actually employed; *and provided, further*, that the whole compensation to such clerks shall not exceed, in the aggregate, the sum of four thousand dollars per annum."

Commissioners to regulate duties and compensation of clerks.

Limit to compensation.

Total compensation not to exceed $4,000.

SECTION 3. Section four of said chapter is hereby amended, so as to read as follows: "Section 4. The said commissioners shall have power to authorize and empower any such clerk to seize, or cause to be seized,

May seize lumber, &c. and sell without process.

any timber, lumber, logs, shingles, shingle bolts, staves, shocks, headings, wood or bark cut upon or removed or taken from any of the land described in section one of this act, without process, and to sell the same at public auction to the highest bidder: *provided*, that no such sale shall be made until the clerk making such seizure shall report the same to the said commissioners, nor until the time and place of such sale shall have been advertised in a newspaper printed in the county where such sale is to be had, if any there be, at least once in each week for three successive weeks; and if there is no newspaper printed in said county, then by written or printed notice of such time and place, posted up in the most public place in said county, at least twenty days before such sale. And the said commissioners may cause a bid, to be made on behalf of the state at such sale, to an amount not less than one-half the actual value of the property offered for sale. No part of the money realized at any such sale, shall be applied on the certificates issued by the said commissioners, then outstanding, if any. Property purchased on behalf of the state at such sales, shall be sold by the said commissioners for such price and at such time or times as they may deem for the best interest of (*of*) the state."

Shall report seizure to commissioners, and advertise before sale.

Property may be bid in by state, &c.

SECTION 4. Section six of said chapter is hereby amended, so as to read as follows: "Section 6. The compensation and expenses of such clerks shall be audited by the secretary of state, upon the certificate of the commissioners, and shall be paid out of the state treasury, out of the income of the several funds for which the service has been rendered. The amount to be paid out of each fund shall be determined by the secretary of state. An amount sufficient is hereby appropriated out of the state treasury to pay all such accounts so audited as aforesaid: *provided*, that the whole amount to be audited, during any one year, for services rendered and disbursements made pursuant to the provisions of this act, shall not exceed the sum of six thousand dollars."

Auditing of accounts of clerks, &c.

Appropriation.

Whole expense not to exceed $6,000.

SECTION 5. Section five of said chapter is hereby amended, so as to read as follows: "Section 5. Any person or persons found trespassing upon the such lands belonging to this state, shall have the right to purchase said premises of the state, by paying the amount in

Trespassers may purchase lands.

lawful money of the United States, at the minimum price at which such land shall be appraised, if the same is subject to private entry at the office of the said commissioners, and also by paying in addition thereto, the sum of fifty per centum of the amount paid for the land. If the person or persons owning the certificate or certificates of purchase for such land, shall be found trespassing thereon, he or they shall have the right to obtain a patent for such land, by paying the amount due to the state on such certificate or certificates, with all legal charges thereon, and the sum of twenty-five per centum on the amount paid for such land. In either case, the commissioners are hereby required to release to the person or persons so paying for the land any lumber, timber, logs, shingles, shingle bolts or any other articles seized under the provisions of this act, and they are hereby required to discontinue any and all suits commenced to recover any damages for such cutting, taking or carrying away, without cost to the state: *provided*, that the state treasurer shall in no case receive pay for such land from any other person or persons than those holding the certificate or certificates, or from their authorized agents, in cases when the land has been previously sold by the state; *and provided, further*, that in all cases when the sale of property is made under the provisions of this act, or the one to which this is amendatory, the person or persons owning the certificate or certificates, and not being the trespasser, shall have the right to bid at such sale the amount due to the state for such land, and the expenses of seizure and sale, the amount of which shall be stated at the sale by the person authorized to sell; and when such bid is made, it shall be the duty of the person making such sale to strike off the property to such bidder or bidders: *provided*, that if there shall be at the sale any dispute between bidders as to the ownership of the certificate or certificates of sale issued by the state, the person conducting and making such sale shall sell the property so seized to the highest bidder, he first bidding as provided in this act; in which case the amount so received, or the proceeds of the sale when received, shall be paid into the state treasury and remain there until the commissioners shall determine the ownership of said certificate or certificates; and for that purpose, they are hereby authorized to adopt such

Holders of certificates, when trespassers, may patent their lands.

Release of lumber, &c.

Payment or land only receivable from certificate holder.

Holder of certificate, if not the trespasser, may bid at sale the amount due the state.

When property may be sold to highest bidder.

rules and take such evidence as in their judgment shall be necessary to determine the fact. When such fact is determined, it shall be the duty of the state treasurer, and he is hereby directed, to pay over to the rightful person or persons on their order, the avails of such sale, after deducting the price of the land, the penalty and expenses herein provided for."

Duty of state treasurer.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 234.

[*Published April 6, 1864.*]

AN ACT to authorize the "Green Bay bank" to reduce its capital stock, and change its name to "La Crosse bank."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock may be reduced.

SECTION 1. The Green Bay bank at La Crosse, is hereby authorized to reduce its capital stock to a sum not less than twenty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin, approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required by this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of their capital up to and including the day on which said certificate is filed with the bank comptroller.

Proviso.

Certificate to be filed.

SECTION 2. The president and cashier of the said bank named in section one of this act, shall, after the passage of this act, file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital

stock of said bank is reduced; and from and after filing of such certificate, the capital stock of said bank shall be so reduced, and not before.

SECTION 3. The name of said bank is hereby changed from Green Bay bank to La Crosse bank, by which last name it shall be hereafter known and do business, with all the powers, franchises, rights and privileges, of every description, that it had before such change of name, and subject to all the obligations, duties and liabilities of every class and nature to which the said bank under its name of Green Bay bank has become subject or in any way liable: *provided*, that this act so far as it provides for a change of the name of said bank, shall not be in force until said bank shall have filed duplicate certificates, duly acknowledged by its proper officers, that its name has been so changed, one with the bank comptroller and one in the office of the register of deeds in La Crosse county.

Name may be changed to La Crosse bank.

To file certificate of change.

SECTION 4. It shall not be lawful for the bank comptroller to issue to the said bank any circulating notes, until its plates shall be so altered as to read "La Crosse bank," instead of "Green Bay bank."

When notes may be issued to bank.

Approved March 31, 1864.

CHAPTER 285.

[*Published April* 7, 1864.]

AN ACT to legalize the proceedings of a special town meeting held in and for the town of Windsor, Dane county, on the 16th day of February, A. D. 1864, and to authorize the disbursement of the money voted to be raised by tax at such meeting.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All of the proceedings of the special town meeting held in the town of Windsor, Dane county, on the 16th day of February, A. D. 1864, for the purpose of voting a tax to pay bounties to volunteers, are hereby legalized, and the tax levied and apportioned upon the taxable property of said town, pursuant to and in accordance with the votes had at such special

Proceedings and tax legalized.

town meeting, is hereby declared valid and binding; and the treasurer of said town is hereby authorized and required to proceed in the collection of such tax, and to make returns to the county treasurer of the delinquent taxes which he may be unable to collect, in the same manner as he is by law authorized to proceed in the collection of other taxes, and the return of delinquent taxes; and the county treasurer of the county of Dane is hereby authorized and required to receive and treat the returns of delinquent taxes by said treasurer of the town of Windsor, of said special tax, in the same manner as now provided by law for the receipt and treatment of returns of other delinquent taxes. The time for the collection of such special tax, and the making of returns to the county treasurer of the delinquent taxes of said town of Windsor, is hereby extended until the first day of April, A. D. 1864.

Collection of tax, and return of delinquent taxes.

Time to collect tax extended.

SECTION 2. The supervisors of the town of Windsor are hereby authorized to employ the money raised by such special tax for the purpose of paying bounties to the volunteers in the military service of the United States, who may have heretofore or shall hereafter enlist and become credited to such town of Windsor; and the certificate of the adjutant general of this state of such enlistment and credit, and the receipt of such volunteer for the amount, shall be sufficient voucher for the expenditure of such money: *provided*, that no greater sum shall be paid to any one volunteer than was authorized to be paid at such special town meeting.

Application of moneys.

Proof of enlistment.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 236.

[*Published April* 15, 1864.]

AN ACT to legalize a special town meeting and the proceedings of the same, held in and for the town of Albion, Jackson county, of this state, on the 25th day of February, 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the proceedings of a special town meeting held in and for the town of Albion, Jackson county, this state, on the 25th day of February, A. D. 1864, whereby the sum of four thousand five hundred dollars was voted by said town to fill its quota of men under the late calls of the president of the United States for five hundred thousand volunteers, are hereby declared legalized and valid to all intents and purposes, and for all purposes whatsoever. Meeting and tax legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 237.

[*Published April* 15, 1864.]

AN ACT to authorize the town of Wrightstown, in Brown county, to purchase and maintain the bridge built across Fox river under chapter 52 of the private and local laws of 1860.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town of Wrightstown, in Brown county, is hereby authorized to purchase from the owners thereof, all the rights, powers and privileges granted and conferred, or intended to be granted or given to Hoel S. Wright, Charles G. Mueller and their associates, successors and assigns, by an act of the legislature of this state, approved March 27th, 1860, entitled "an act to authorize the construction of a bridge across Fox river, at Wright's ferry, in Wrightstown, Brown county," Town may purchase bridge.

together with the bridge built under said act, and any and all other property or appurtenances thereto belonging. Said purchase may be made upon such terms as to the time and mode of payment, as may be agreed upon between said town and the owners of said bridge, conformably to this act.

Terms.

Question to be submitted to vote.

SECTION 2. The said town may decide upon the purchase authorized by this act, by a vote of a majority of the qualified electors of said town voting at any annual town meeting, or at any special meeting of the voters of said town, called pursuant to the revised statutes of this state, and such decision, when so made by said vote, shall of itself be deemed a full and sufficient authority for the issue of the bonds and the levy of the tax hereinafter provided for.

If vote favorable, bonds may be issued, &c.

SECTION 3. If a majority of the qualified electors of said town, voting at any such meeting, shall decide in favor of such purchase, the chairman of the board of supervisors of said town and the town clerk shall issue bonds of said town, to be signed by said chairman and countersigned by said clerk, to the amount agreed upon in said purchase, in such form and in such sums as the said chairman may think proper, drawing interest at seven per centum and payable in one, two and three years from their date: *provided*, that only one-third of the whole price, with interest on the whole, shall be payable in one year, only one-third shall be payable in two years, with interest on the whole for the second year, and the remainder in three years, with interest thereon for the third year.

When bonds and interest payable.

Special tax to pay bonds and interest.

SECTION 4. To provide for the payment of said bonds, and the interest thereon as they become due, a special tax shall be levied by the supervisors of said town upon the assessed real and personal property in said town, which shall be collected in the same manner and at the same time that other town taxes are collected, except that said special tax shall be payable only in cash, and the same when collected shall be kept by the town treasurer of said town separate from all other funds, and shall be applied only in payment of the principal and interest of said bonds. The said special tax shall be so levied by said supervisors, who shall meet for that purpose at the town clerk's office of said town, on or before the first Monday of October next preceding the time when each installment of said principal

When tax to be levied.

and interest shall become due; and the same shall be calculated and carried out by the town clerk of said town upon the general tax roll of the town, but in a separate column, to be called the "bridge tax."

Treasurer to give additional bonds.

SECTION 5. The supervisors of said town may require from the town treasurer of said town a bond to said town, with sufficient sureties, in such sum as the said supervisors may direct or approve, conditioned that said treasurer will faithfully perform all duties required of him by law in the collection of said special tax, and that he will safely keep the same, when collected, separate from all other funds, and that he will truly account for and pay over the same when due to the holder or holders of said bonds, or to his successor in office for said bond holders. And it shall be the duty of said town treasurer to execute and deliver the aforesaid bond before he receives the tax roll for the collection of said taxes.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 238.

[*Published April* 15, 1864.]

AN ACT to authorize and require the board of supervisors of the town of Seven Mile Creek, Juneau county, to equalize the assessment on real estate in said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to town board to equalize assessment.

SECTION 1. The board of supervisors and the town clerk of the town of Seven Mile Creek, Juneau county, are hereby constituted a special board of equalizers of the last assessment and equalization of the real property in said town. Said board shall meet where the last town election was held in said town, on the first Monday in June next, at nine o'clock in the forenoon. A majority of said board shall constitute a quorum for transacting the business of the board. The chairman of supervisors shall be chairman of the board of equal-

izers, and the town clerk shall be clerk of the board. Before proceeding to the transaction of any business, the members of such board present shall take and subscribe the following oath: "You, and each of you, solemnly swear, that you will review, amend and correct the last assessment roll of your town, as equalized by the town and county boards, and justly equalize the value of real estate therein, according to your best judgment and discretion, without fear or favor." And it shall be the duty of said board of equalizers to proceed to a thorough examination and correction of said last assessment roll of the town, and in so doing shall be governed in all respects by the laws of the state governing town boards of equalizers.

Board may increase or diminish valuation of real estate.

SECTION 2. It shall be the duty of said special board of equalizers, after having completed the examination and correction of said last assessment roll as aforesaid, to increase or diminish the aggregate valuation of real estate in said town, as equalized by said special board of equalizers, and so much per centum as shall make the aggregate valuation of said real estate the same as it now stands on the last assessment roll of said town.

Notice of meeting of board.

SECTION 3. The town clerk of the town of Seven Mile Creek shall cause notices to be posted up in three of the most public places in the town, giving not less than ten days' notice of the meeting of said special board of equalizers, and shall specify the purposes for which said board meets.

Penalty for neglect of duty.

SECTION 4. If any member of said special board of equalizers, or town clerk, shall willfully neglect or refuse to perform the duties required by this act, or shall knowingly and willfully violate any of its provisions, he shall be subject to a penalty of not less than fifty dollars, to be collected in the same manner as other fines are collected for neglect of official duty.

Approved March 31, 1864.

CHAPTER 239.

[*Published April* 15, 1864.]

AN ACT to authorize the town supervisors of certain towns to transfer moneys from the general fund to the school fund, in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The boards of supervisors of such towns as have not had levied upon them, by the county board of supervisors in the school tax levy for 1863, a sum sufficient to entitle them to the apportionment of the school fund income for the year 1864, are hereby authorized to transfer from the general town fund to the school fund, a sum sufficient to meet the deficiency in the tax levy. Authority to transfer funds.

SECTION 2. Upon a certified copy of such transfer by the town clerk to the state superintendent, the said state superintendent is authorized to apportion to said towns the sums to which they would have been entitled, if a proper tax levy had been made upon such towns. Apportionment of school fund to town.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 240.

[*Published April* 15, 1864.]

AN ACT to amend chapter 187 of the general laws of 1859, entitled "an act to amend section twenty-one of chapter twenty-eight of the revised statutes, entitled 'of the school and university lands.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and eighty-seven of the general laws of 1859, is hereby amended, by striking out from the word, "provided," in the seventh line of said section, to and including the Times of sales of school, university and swamp lands, and notice of same.

word, "counties," in the ninth line thereof, so that the section as amended, shall read as follows: "Section twenty-one of chapter twenty-eight of the revised statutes is hereby amended, so as to read as follows: 'All sales at auction of school, university and swamp lands, and those selected in lieu of swamp lands, shall be made at such times and at such public places as the commissioners and governor shall designate; and the commissioners shall, previously to any such sale, cause a notice thereof, specifying the time when and the place where the same will be held, to be published once in each week for at least eight successive weeks, in the state paper at the capital, and in one newspaper printed in the county where such lands are situated, if any, but if there be no such newspaper, then in the newspaper printed nearest to the place where such lands are located; and the expenses of such publication of notices shall be audited and paid by the commissioners out of the income of the appropriate fund.'"

SECTION 2. This act shall take effect from and after its passage.

Approved March 31, 1864.

CHAPTER 241.

[*Published April* 15, 1864.]

AN ACT to authorize the Milwaukee and Prairie du Chien railway company to issue stock to aid in adjusting and settling up outstanding farm mortgages, judgments, floating debts, income bonds and stock of the late Milwaukee and Mississippi railroad company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Issue of stock authorized by company, to take up farm mortgages, &c.

SECTION 1. The Milwaukee and Prairie du Chien railway company is hereby authorized to issue to Louis H. Meyer, William Schall, Louis A. von Hoffman, Allen Campbell and John Catlin, surviving trustees of the assenting creditors of the Milwaukee and Mississippi railroad company, five thousand shares of common stock, to enable the said trustees or their sur-

vivors to adjust, settle and take up outstanding farm mortgages given to aid in the construction of the Milwaukee and Mississippi railroad, also, judgments, income bonds and floating debts and stock of said Milwaukee and Mississippi railroad company.

On assignment of mortgage before Dec. 15, 1864, stock to amount may be issued to holder.

SECTION 2. The said trustees are authorized, on the assignment and transfer to them, in trust for the Milwaukee and Prairie du Chien railway company, at any time before the fifteenth day of December, 1864, and not thereafter, to deliver to the person or persons making such assignment, in consideration therefor, the common stock of said company to the same amount and in the same manner, and computed the same, as heretofore done and allowed to the same class of credits, interests and claims under the original agreement, bearing date the thirteenth day of July, 1860, entered into between the assenting creditors of the Milwaukee and Mississippi railroad company.

Stock to be used for no other purpose.

SECTION 3. The stock to be issued under this act, shall be used for the above named purposes, and none other, and so much thereof as shall not have been used on or before the 15th day of December, 1864, shall be canceled.

Bar to right of action, &c.

SECTION 4. Any person owning or holding any farm mortgage issued to said Milwaukee and Mississippi railroad company, judgment, income bond, or other claim against said last named company, who shall fail or neglect to adjust the same with the said trustees on or before the 15th day of December, 1864, shall not be entitled to any right of action or benefit under this act, and they shall be forever barred from any right of action on said claims against the said L. H. Meyer, W. Schall, L. A. von Hoffman, Allen Campbell and John Catlin, or their survivors, trustees aforesaid, or against the Milwaukee and Prairie du Chien railway company.

Discharge of mortgages, &c.

SECTION 5. William Taintor, secretary of the late Milwaukee and Mississippi railroad company, is authorized to satisfy and discharge any farm mortgage executed to the Milwaukee and Mississippi railroad company, at the request of the holder of said mortgage.

When act to take effect.

SECTION 6. This act shall not take effect until approved by a majority of each class of stockholders of the Milwaukee and Prairie du Chien railway company, and a copy of said approval, certified by the president

and secretary of said company, is filed in the office of the secretary of state.

Where meetings of stockholders may be held.

SECTION 7. Special meetings of the stockholders and special meetings of the board of directors of the Milwaukee and Prairie du Chien railway company, may be held either in the city of New York or the city of Milwaukee, as the directors may appoint.

Repeal.

SECTION 8. All acts or parts of acts in any way conflicting with this act, are hereby repealed, and this act is hereby declared to be a general act, and to go into force and effect from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 242.

[*Published April* 15, 1864.]

AN ACT to legalize the proceedings of a special town meeting held in the town of Mount Morris, Waushara county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Special town meeting legalized.

SECTION 1. The proceedings of a special town meeting held in the town of Mount Morris, in the county of Waushara, on the third day of March, A. D. 1864, for the purpose of appropriating money to pay bounties to volunteers, and the tax levied thereby, are hereby made and declared to be legal and valid to all intents and purposes, notwithstanding any errors or omissions in calling or conducting said meeting, or in levying said tax.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 243.

[*Published April* 15, 1864.]

AN ACT to establish a highway in the town of Lima, in the county of Rock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That a public highway in the town of Lima, Rock county, commencing at the Lima Center road, running north and south on the quarter line of section twenty-two, in said town, thence running westerly on a line parallel with and adjoining to the north line of the Milwaukee and Prairie du Chien railroad, twenty-five chains and twenty-five links, the center of said highway to be one and one-half rods north of the north line of the aforesaid railroad, [be] and the said highway is established to be three rods wide, and the same shall be so recorded in the office of the town clerk of said town of Lima. Where highway to be established, and width of same.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 244.

[*Published April* 15, 1864.]

AN ACT to legalize the proceedings of a town meeting held in the town of Bristol, Dane county, on the 3d day of March, A. D. 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the proceedings of the town meeting held in the town of Bristol, Dane county, on the 3d day of March, 1864, for the purpose of voting to raise a tax to pay bounties to volunteers, are hereby legalized and declared valid and binding for all intents and purposes, notwithstanding any omissions or informali- Meeting legalized.

ties in the call for or notice of such meeting, or in the proceedings or actions at the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 245.

[*Published April* 15, 1864.]

AN ACT to legalize a special town meeting held in the town of Cross Plains, in the county of Dane, on the fifth day of March, 1864, for the purpose of voting a tax to pay extra bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Meeting legalized.

SECTION 1. The special town meeting of the town of Cross Plains, in the county of Dane, held on the fifth day of March, A. D. 1864, for the purpose of voting to raise, by tax, extra bounties to be paid to volunteers in the military service of this state or of the United States, and all votes, acts and resolves of said meeting concerning the offering, pledging and voting to raise such bounty money, are hereby declared legal, valid and binding in law, the same and as fully as if the said meeting had been notified and conducted in all respects in accordance with the provisions of law then in force relating to that subject; and it shall be lawful for the proper officers of said town to issue town orders, payable out of such bounty fund, in accordance with the provisions of law now in force relative thereto.

Town orders may be issued.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 246.

[*Published April* 15, 1864.]

AN ACT to incorporate the Independent academy of the fifth and eighth wards of the city of Milwaukee.

(*See supplement to local laws.*)

CHAPTER 247.

[*Published April* 15, 1864.]

AN ACT to repeal sections one, two and four of chapter one hundred and ninety of the general laws of 1862, entitled "an act relating to the allotment commissioners, their duties and compensation."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Sections one, two and four of chapter one hundred and ninety of the general laws of 1862, entitled "an act relating to the allotment commissioners, their duties and compensation," are hereby repealed. Repeal.

SECTION 2. This act shall take effect from and after its passage.

Approved March 31, 1864.

CHAPTER 248.

[*Published April* 15, 1864.]

AN ACT to authorize the governor to purchase flags.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever the state or national flags of any regiment or battery in the service of the United Old flags may be replaced by new ones.

States, from this state, shall have become worn and damaged by service, or shall have been lost or destroyed, or whenever from any other cause it shall be deemed necessary and proper to replace the same, and the officer commanding such regiment or battery shall inform the governor of such fact, and make requisition for new flags, the governor is hereby authorized to cause to be furnished to such regiment or battery, new flags; the state flag to be of the design, plan and material as adopted by the legislature of this state by joint resolution No. 44, senate, at the session of 1863, and one of said flags shall be inscribed with the names of the battles in which such regiment or battery shall have taken an honorable part.

State flag.

Old flags to be returned to the state.

SECTION 2. Whenever such new flags are furnished to any regiment or battery in the service, it shall be upon the express condition that the old colors so replaced are to be returned to this state, if practicable, to be deposited in some safe place to be designated by the governor, until the legislature shall provide a special place of deposit.

Appropriation.

SECTION 3. The amount necessary to defray the expenses of the purchase of the flags, as authorized by the preceding sections, and their transportation to the regiments or batteries for which they are designed, is hereby appropriated out of any moneys not otherwise appropriated, and shall be drawn from the treasury on the warrant of the governor, attached to the accounts therefor, audited by the secretary of state.

Repeal.

SECTION 4. Chapter 215 of the general laws of 1863, entitled "an act to authorize the governor to purchase flags," is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 249.

[*Published April* 15, 1864.]

AN ACT to authorize the town of Saukville, in the county of Ozaukee, to issue bonds for the purposes therein mentioned.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town board of supervisors of the town of Saukville, in the county of Ozaukee, is hereby authorized to issue bonds of said town of Saukville, to an amount not exceeding two thousand dollars, payable in not less than two years nor more than five years from the date thereof, at the discretion of said board, said bonds to bear interest at the rate not to exceed seven per centum per annum, for the purpose of raising money to pay bounties to volunteers enlisted and mustered into the military service of the United States, in and for the said town of Saukville, county of Ozaukee.

Town authorized to issue bonds to amount of $2,000, to pay bounties to volunteers.

SECTION 2. The bonds issued under and by virtue of this act, shall be signed by the chairman and countersigned by the clerk of the said board of supervisors of said town, and shall be in sums to be fixed by said board of supervisors, and with interest payable at such times and places as the said board of supervisors may determine; and said bonds, when signed and countersigned as aforesaid, shall be, in the hands of a *bona fide* holder of the same, full and complete evidence, in law and equity, to establish the indebtedness of the said town of Saukville, according to the tenor and effect of said bonds.

How bonds to be executed.

To be *prima facie* evidence of indebtedness.

SECTION 3. The town board of supervisors of the said town of Saukville, at any legal meeting thereof, may direct, by resolution, their chairman to sign and their clerk to countersign the whole amount of bonds authorized to be issued by this act, or such part thereof as the said board may from time to time determine; and it shall be the duty of the town treasurer of the said town of Saukville, under the supervision of said board of supervisors, to negotiate the bonds so to be issued, and to place the proceeds thereof, as soon as received by him, in the treasury of said town of Saukville; and the treasurer, before he shall receive said bonds for any

Negotiation of bonds.

Treasurer to give additional bond.

purpose whatever, shall execute to the town board of supervisors of said town, a bond with three or more sufficient sureties, in the penal sum of double the amount of bonds so to be received by him, conditioned for the faithful performance of all the duties imposed upon him by this act, or by any order or resolution of the town board of supervisors of said town which may be passed by virture of the power conferred upon said board by this act, which said bond shall be approved by the town board of supervisors of said town, and filed in the office of the clerk of the said board of supervisors.

Tax for payment of principal and interest.

SECTION 4. It shall be the duty of said board of supervisors, for the payment and [of] interest and the ultimate payment of the principal of any and all of the bonds so to be issued by virtue of this act, and for that purpose said board of supervisors is authorized, empowered and required, annually to levy a tax upon all the taxable poperty of said town, sufficient to pay the interest upon said bonds, in the same manner as other taxes are levied and collected by law.

Application of money.

SECTION 5. The moneys received and paid into the town treasury of said town of Saukville, under and by virtue of this act, shall for one year from and after the publication of the same, be exclusively applied to the payment of bounties to volunteers mustered into the military service of the United States and credited to the quota of soldiers required by the United States of the said town of Saukville, at such rate for each volunteer so to be mustered, as the said board of supervisors shall find adequate to induce such enlistment to fill said quota, and for the payment of expenses incident to and necessary to carry this act into effect; and any and all such moneys remaining in said town treasury one year after the publication of this act, on account of the sum raised being more than sufficient for said purpose, or the failure to procure volunteers to fill the quota, shall be applied to the support of the families of men who have been or may be hereafter drafted into the military service of the United States from said town.

Compensation of treasurer.

SECTION 6. The compensation to the town treasurer of said town for receiving and disbursing said moneys shall be fixed by said town board of supervisors.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 250.

[*Published April* 15, 1864.]

AN ACT to authorize Ellwood Loy, a minor, to transact business,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Ellwood Loy, (aged 20 years, November, 1863,) a minor son of David M. Loy, of the village of Depere, in the county of Brown, state of Wisconsin, is hereby authorized and empowered to grant, bargain, sell and convey real and personal estate and property, transact business and bind himself by his contracts, devise and bequeath real and personal property, sue and be sued in all the courts of this state, the same as if he were of the full age of twenty-one years. Authority.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 251.

[*Published April* 15, 1864.]

AN ACT to amend section seventy of chapter nineteen of the revised statutes, entitled "of highways, bridges and ferries."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section seventy of chapter nineteen of the revised statutes is hereby amended, by adding to said section the following words: "And maintain at his or her own expense, a suitable bars or gates through the inclosure over which said road may be laid." Amendment.

Approved March 31, 1864.

CHAPTER 252.

[*Published April* 15, 1864.]

AN ACT to vacate Gorsuch and Day's addition to the city of Hudson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vacated.

SECTION 1. All that addition known, described and recorded as Gorsuch and Day's addition to the city of Hudson, is hereby vacted.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 253.

[*Published April* 16, 1864.]

AN ACT in relation to taxation in the city of Oshkosh.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. All that portion of section two of chapter eight of an act to revise, consolidate and amend the act to incorporate the city of Oshkosh, and the several acts amendatory thereof, approved March 22d, 1861, reading as follows: "When there are buildings upon any lot or parcel of land, the value of the same shall be set forth in a separate column," is hereby repealed; and section two of said chapter eight is hereby amended, by adding thereto the following words: "And it is hereby made the duty of the several ward assessors of said city, to correct any description or descriptions in their assessment by them made, before the tax list is handed to the city treasurer for collection."

Correction of assessments.

Repeal.

SECTION 2. All of section twenty-five of said chapter eight of the act named in the preceding section, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 254.

[*Published April* 16, 1864.]

AN ACT to change the time of holding the circuit court of the county of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The terms of the circuit court in and for the county of Milwaukee, shall hereafter be holden as follows: Commencing on the second Monday in January, fourth Monday in April, fourth Monday in June and third Monday in September: *provided*, that the petit jury for the January and April terms, shall be called for the second Monday thereof, and that all acts and parts of acts conflicting herewith, be and the same are hereby repealed.

Regular terms.

When petit jury to be called.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 255.

[*Published April* 16, 1864.]

AN ACT relating to appeals, and amendatory of section one hundred and twenty-two of chapter one hundred and fifty-five of the general laws of 1863.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one hundred and twenty-two of chapter one hundred and fifty-five of the general laws of 1863, is hereby amended, by adding thereto as follows: "*And provided, further*, that the state superintendent shall make and file his decision within thirty days after the hearing thereof is closed, or in cases where appeal has already been heard but not decided, then within thirty days after the publication of this act; and no decision of the state superintendent made or filed after the lapse of said times, respectively,

When decision of superintendent to be filed.

shall invalidate or in any way affect the decision of any school district meeting or town supervisors from which such appeal has been or may be made."

SECTION 2. This act shall take effect and be in force from and after its publication.

Approved March 31, 1864.

CHAPTER 256.

[*Published April* 16, 1864.]

AN ACT to legalize the proceedings of a special town meeting held on the 29th day of February, 1864, in the town of Lomira, Dodge county, for the purpose of raising bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proceedings legalized.

SECTION 1. All the proceedings of a special town meeting held in the town of Lomira, county of Dodge, on the 29th day of February, 1864, for the purpose of raising money to pay bounties to volunteers, and, also, all the proceedings prior and subsequently to such meeting and connected therewith, and for the purpose aforesaid, are hereby declared to be legal and valid, notwithstanding all the requirements of the law may not have been complied with.

SECTION 2. This act shall take effect from and after its passage.

Approved March 31, 1864.

CHAPTER 257.

[*Published April* 16, 1864.]

AN ACT to legalize the action of the boards of supervisors of certain towns in Rock county, in issuing scrip for the payment of bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The action of the boards of supervisors of the several towns of Rock county, which have heretofore issued scrip for the payment of bounties to volunteers, in all cases where such issue was made in pursuance of any tax voted at any special town meeting held in accordance with the provisions of chapter thirteen of the laws of the extra session of 1862, is hereby legalized and made valid; and such scrip so issued is hereby declared to be a legal and valid claim against any such town so issuing such scrip. Issue of scrip legalized.

SECTION 2. Such towns are hereby authorized to raise by tax upon the taxable property of such towns, at any regular or special town meeting, a sum of money sufficient to pay such scrip so issued, together with the interest accuring thereon. Tax authorized.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 258.

[*Published April* 16, 1864.]

AN ACT to permit all and each [of] the different counties in this state to aid the Tomah and Lake St. Croix railroad company in securing the right of way for said railroad, over and through which the same may be located.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. At the annual town meeting for the election of town officers, to be held in and for the different towns comprising the counties upon and through Towns of certain counties may vote on proposition to aid T. and L. St. C. R. R.

which the line of railroad of the Tomah and Lake St. Croix railroad company may be located, for the year one thousand eight hundred and sixty-four, or at any subsequent annual town meeting or general election held in each and any of said towns so comprised in any and each of the counties hereinbefore referred to, the legal voters of said counties, or either of them, may deposit ballots, written or printed, in words as follows: "for aid to obtain right of way," or, "against aid to obtain right of way." Such ballots shall be deposited in a separate box provided for that purpose, and such ballots shall be considered as the votes of the legal voters upon such question, and shall be counted, returned to and canvassed by the proper officers as in other elections, and as provided under the election laws of this state applicable thereto.

Form of ballots, and return of same.

If vote favorable, board of supervisors may purchase and convey to company, land for use of road.

SECTION 2. If a majority of the ballots cast in any of said counties, be "for aid to obtain right of way," the county board of supervisors of each of said counties shall immediately proceed to obtain and receive by conveyance, in fee, from the owner or owners thereof, a strip of land one hundred feet wide, and upon which the said railroad company may locate their line of railroad; said conveyance in fee of said strip of land, to be made out and conveyed by the owners thereof to the said railroad company. Such conveyance from each and all the owners thereof, shall contain the usual covenants against encumbrance and of warranty.

Board to determine amount of compensation for lands, if owners agree thereto.

SECTION 3. In the receiving and obtaining any and each of all the conveyances by the board of supervisors of each of said counties, from any and all the owners of such strip of land for the company aforesaid, a majority of said board in each of said counties may determine the amount of consideration to be given by the county for each or all of said conveyances: *provided*, each or all the owners of said strip of land so to be obtained and conveyed as aforesaid, agree thereto. Such consideration shall be paid by the county issuing its orders therefor, and provision shall be made for the payment thereof by taxation, the same as for other county indebtedness. In the event of disagreement between a majority of the board of supervisors and the person or persons having title to any part of said strip of land, as to the terms of purchase and of conveyance, then and in that event the board of supervisors shall have

Consideration to be paid by county.

In case of disagreement, how consideration to be determined.

power to proceed and resort in the premises to determine the value thereof, in the same manner as the said company can do under and by virtue of its charter; and all the provisions of said charter referable to the action of the commissioners therein authorised to be selected, in determining the amount of damage and the value of the land, and the interests of the owners disagreeing with the company thereto, are hereby made applicable to each and all of said counties upon and through which said company's line of railroad may be located and pass.

Application of provisions of charter.

SECTION 4. No compensation or consideration shall be paid nor any conveyance delivered, until the said company shall have actually entered upon and into possession of the said strip of land so to be obtained, or part thereof, with the full intention of using the same for the purposes of its charter, and in making and constructing its line of railroad; and such compensation and such conveyance to be paid and delivered as soon as the parts of the said strip of land they embrace are appropriated by the company for the uses aforesaid.

When compensation to be paid.

SECTION 5. This act shall take effect from and after its publication.

Approved March 31, 1864.

CHAPTER 259.

[*Published April* 1, 1864.]

AN ACT relating to fees of lumber inspectors, and amendatory of chapter one hundred and sixty-seven of the general laws of 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section ten of chapter one hundred and sixty-seven of the general laws of 1864, relating to the fees of lumber inspectors, is hereby amended, by adding to said section, at the end thereof, the following: "The fees herein prescribed shall be paid by the owner of the logs, lumber or timber so scaled, surveyed or measured."

Fees for scaling logs, &c.

Fees for recording.

SECTION 2. Section twelve of said chapter one hundred and sixty-seven, relating to the recording of certain instruments by lumber inspectors, is hereby amended, by adding to said section, at the end thereof, the following words, to wit: "to be paid by the person for whom the same may be recorded."

Correction.

SECTION 3. Section fourteen of said chapter one hundred and sixty-seven, is hereby corrected, by striking out the words, "section one," and substituting therefor the words, "section two," where the former words occur in the clause relating to the appointment of lumber inspectors.

SECTION 4. This act shall take effect from and after its passage.

Approved March 31, 1864.

CHAPTER 260.

[*Published April* 5, 1864.]

AN ACT to amend an act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20th, 1852.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Tax of $10,000 authorized for dredging.

SECTION 1. The common council of the city of Milwaukee are hereby authorized to cause to be dredged, during the year 1864, the Milwaukee and Menomonee rivers, within the limits of said city, at an expense not exceeding ten thousand dollars, and to levy, assess and collect the amount so to be expended, not exceeding the limits above prescribed, in the same manner as other taxes are levied and collected in said city, and in addition to the amount authorized by law to be raised by taxation for general city purposes.

Apportionment of expense.

SECTION 2. The street commissioners shall have the power and are hereby authorized, to cause the Milwaukee an Menomonee rivers to be dredged on each side thereof, not exceeding fifty feet in width, and the expense of such dredging shall be apportioned by the street commissioners among, and shall be a charge and

lien upon, the several lots or parcels of land extending to said river, in proportion to the work done opposite to such lot or parcel of land, to be estimated by the city surveyor, and shall be collected in the same manner as other special taxes are now levied and collected by law in said city: *provided, however*, that no such dredging shall be ordered to be done except upon the petition of a majority of the owners of a lot or lots in each block in front of which such dredging is proposed to be done, as now provided by law in the case of grading, paving, planking or graveling streets, sidewalks or gutters in said city.

Dredging must be petitioned for.

SECTION 3. The street commissioners are hereby authorized to contract for the cleaning and repairing of streets, alleys and sidewalks, as now provided by law, and the expense of cleaning such streets, alleys and sidewalks shall be chargable to and paid out of the ward fund of the proper ward. The expense of relaying sidewalks with new material, or planking streets with new material, shall be chargeable to and paid for by the lots or pieces of land in front of which such relaying may be done.

Cleaning streets, &c.

Expense of sidewalks.

SECTION 4. No sewer shall hereafter be constructed in said city, except upon the petition of a majority of the owners of lots or parcels of land purposed to be charged, or which would by law be chargeable with the expense thereof, as provided by law in the case of grading streets.

Sewers must be petitioned for.

SECTION 5. The common council are hereby authorized, whenever in their opinion the public necessity requires it, to reconstruct any of the bridges now in use in said city, and to levy, assess and collect the expense thereof in the same manner as other taxes are levied and collected in said city, and in addition to the amount authorized by law to be raised for general city purposes: *provided, however*, that no more than nine thousand dollars shall be levied, assessed and collected in any one year.

Reconstruction of bridges.

SECTION 6. Any certificate of sale for the amount of any street commissioners' certificate or special tax held by the city of Milwaukee in trust for the owner of such street commissioners' certificate or such special tax, or any certificate of sale for general city or ward taxes, held by said city, may be assigned, sold and transferred by the city treasurer, although said city

Assignment of commissioners' certificates, &c.

may hold in trust, in whole or in part, certificates for the sale of lots for the amount of street commissioners' certificates or special taxes, issued in any prior year, and no liability shall attach to the city or said treasurer by reason thereof; but any such sale, assignment and transfer shall only be made upon payment of all previous general city and ward taxes: *provided, however*, that this section shall not take effect or be in force until the first day of August, 1864.

Tax for general city purposes.

SECTION 7. The common council may annually levy by tax, as now provided by law for general city purposes, a sum not exceeding seventy thousand dollars in any one year.

City assessor to be appointed.

SECTION 8. The city assessor shall be appointed and shall hold his office for the term of two years, and until his successor is appointed and qualified, and shall receive an annual salary not exceeding six hundred dollars.

Repeal.

SECTION 9. So much of section three of chapter 308 of the laws of 1862, as provides for an election of chief engineer of the fire department by the people, is hereby repealed. The chief engineer of the fire department shall hereafter be elected by the common council, in joint convention. Such chief engineer shall hold his office during good behavior, and for a term not exceeding two years, and until his successor is appointed and qualified, unless reappointed as herein provided, and he shall receive a salary not exceeding one thousand dollars per annum.

Engineer to be appointed.

His term of office and salary.

Repeal.

SECTION 10. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Approved March 31, 1864.

CHAPTER 261.

[*Published April* 16, 1864.]

AN ACT to provide for realizing the amounts of unpaid mortgages due to the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appraisal of mortgaged state lands bid in by the state.

SECTION 1. The commissioners of school and university lands may, in their discretion, cause to be appraised any lands which shall have been bid in for the state, upon a sale made on account of non-payment of a mortgage thereon, and shall have remained unsold by the state three months after such sale, whether such sale shall have been made by the commissioners or by any other person, upon foreclosure of such mortgage.

By whom appraisal to be made.

SECTION 2. Such appraisal shall be made by at least two persons selected by the commissioners, residents in the county where the lands lie, and shall be made in such form and manner and upon such conditions as the said commissioners shall direct. Before making such appraisal, the persons selected for that purpose shall take and subscribe an oath to appraise, estimate and return to the commissioners the true cash value, according to their best information and judgment, of the lands described in the list furnished to them by the commissioners.

Expenses of appraisal.

SECTION 3. The expenses of such appraisal shall not exceed five dollars for each tract of land, and shall be paid upon the order of the said commissioners out of the income of the appropriate fund.

Publication and sale of lands.

SECTION 4. Upon receiving the returns of such appraisers, the said commississioners may proceed to sell the same at public auction, first publishing a notice of the time and place of such sale, specifying the lands to be sold and the appraised value of each tract, in the state paper at Madison, and in a newspaper published in the county where the land is situated, or if no newspaper is published in such county, then in one published near such county. Such notice shall be first published at least six weeks before such sale, and the publication shall continue for four weeks, once in each week, and the expenses thereof shall be paid out of the income of the appropriate fund, upon the order of the

Statutes governing sale.

commissioners. Such sale shall be governed by the provisions of sections twenty-two, twenty-three, twenty-six, twenty-seven, twenty-nine and thirty, of chapter twenty-eight of the revised statutes, as heretofore amended, except that the minimum price of such lands shall be the appraised value as aforesaid; and duplicate certificates of sale shall be issued for such lands, as in the case of school lands.

Unsold land subject to private entry.

SECTION 5. All such lands that shall remain unsold after being so offered at public sale, shall be subject to private sale at the appraised value, upon the terms and in the manner now prescribed by law for school lands subject to private sale.

Graduated price of lands.

SECTION 6. After such lands shall have remained one year subject to private sale, as aforesaid, the price of any of them may, by order of the commissioners, be reduced to ninety per centum of the said appraised value. One year or more after such reduction, the commissioners may again reduce the price of such unsold lands to eighty per centum of the said appraised value; and they may subsequently, at intervals of not less than one year, reduce the said price by an amount equal to ten per centum of the said appraised value, until the price thereof shall be reduced to fifty per centum of such value.

List of lands may be published.

SECTION 7. Before making any such reduction, the commissioners may, in their discretion, publish in the state paper, once a week for four weeks, a list of the lands, with the prices thereof as they will be when reduced, and the date when such reduction will be made.

Mortgaged lands not to be sold for less than charges.

SECTION 8. Section one hundred and eight of chapter twenty-eight of the revised statutes, as amended by section seven of chapter one hundred and thirty of the general laws of 1858, is hereby amended, so as to read as follows: "The commissioners may bid in and purchase said land for such price as they shall deem safe for the state, but no other bid than theirs shall be received for a less amount than the whole sum chargeable on said land. The lands so bid in by the commissioners, and all other lands bid in for the state on foreclosure of mortgages, shall be subject to private sale in the same manner and on the same terms as school lands subject to private sale, and duplicate certificates may be given upon such sale as on similar sales of school lands. The minimum price of such mortgaged lands shall be

Lands bid in subject to private entry.

Minimum price.

the whole amount of the mortgage debt, interest, costs and charges, until such price shall be reduced, pursuant to law."

If land shall be bid in for a sum less than that due, suit may be instituted for balance.

SECTION 9. Section four of chapter one hundred and thirty of the general laws of 1858, is hereby amended, so as to read as follows: "When any land or other property mortgaged to the state, shall have been sold upon foreclosure of such mortgage, or shall have been bid in for the state, at a sale made by the commissioners, for a sum insufficient to pay the principal and interest so secured, with the proper costs and disbursements, the commissioners are hereby required to take proper steps to collect the remainder due from the person who may be personally responsible for the payment of the same; and for that purpose, to cause an action to be instituted, when there appears probable ground for supposing that judgment may be recovered and collected for such deficiency. Such actions may be brought by any person employed for that purpose, in the counties of either Dane or Milwaukee, and no change of the place of trial shall be allowed on the ground that the defendant resides in another county. The commissioners may order the expenses of such actions to be paid out of the income of the appropriate fund: *provided*, that such expenses shall in no case exceed the costs taxed or taxable therein; *and provided, further*, that the commissioners may, in their discretion, at any time receive in full settlement the principal and interest owing to the state, and all costs and disbursements, deducting therefrom the net amount for which the commissioners may have sold the mortgaged lands."

Expenses of action, &c.

Protection of lands.

SECTION 10. All laws for the protection of school lands or other lands belonging to the state, or punishing trespassing or waste thereon, or laws authorizing the commissioners to lease the same, to take or recover possession thereof, and to prevent injury thereto, shall apply to the lands mentioned in this act.

SECTION 11. This act shall be in force as soon as published.

Approved March 31, 1864.

CHAPTER 262.

[*Published April* 16, 1864.]

AN ACT to amend section 217 of chapter 120 of the revised statutes, entitled "of courts held by justices of the peace."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In what cases appeals may be heard and tried as original cases.

SECTION 1. Section two hundred and seventeen of chapter one hundred and twenty of the revised statutes, is hereby amended, so as to read as follows: "Section 217. The appeal shall be heard on the original papers and the return of the justice containing all the material evidence and his rulings in the action, in case where the judgment, exclusive of costs, does not exceed fifteen dollars; but where the judgment shall exceed that sum, (the costs excluded,) and also where judgment is against the plaintiff or in his favor, for a sum not exceeding fifteen dollars, exclusive of costs, if he shall make oath at the time of appealing, that he has a valid claim against the defendant as set forth in his complaint, exceeding the sum of fifteen dollars, as he verily believes, the action shall be tried in the appellate court as cases originally brought there; and in case the judgment is rendered in favor of the plaintiff for a sum not exceeding fifteen dollars, exclusive of costs, and the defendant shall have appealed, if the plaintiff shall make an affidavit that he has a valid claim against the defendant, exceeding the sum of fifteen dollars, as set forth in his complaint, and shall file the same with the clerk of the court in which such appeal may be pending, and serve a copy thereof on the defendant or his attorney eight days prior to the term at which the appeal may be tried, the action shall be tried in the appellate court as cases originally brought there; but the parties may, by consent in writing, signed by the parties or their attorneys, appearing on the return of the justice, admit such return or any part thereof as evidence on the trial of the appeal: *provided*, where judgment is rendered against the defendant or in his favor, for a sum not exceeding fifteen dollars, exclusive of costs, if such defendant, at the time of appealing, shall make oath that he has a valid claim against the plaintiff, as set forth in his

answer, exceeding the sum of fifteen dollars, over and above the claim of the plaintiff, as set forth in the complaint, as he verily believes, the action shall be tried in the appellate court as cases originally brought there; but the said parties may, by written consent, signed by the parties or their attorneys, appearing on the return of the justice, admit such return or any part thereof as evidence on the trial of the appeal."

SECTION 2. This act shall take effect and be in force from and after its publication.

Approved March 31, 1864.

CHAPTER 263.

[*Published April 16, 1864.*]

AN ACT to amend chapter 145 of the private and local laws of 1857, entitled "an act to protect the lumber interests of Black river, and to amend certain laws therein named."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for converting logs, &c.

SECTION 1. Section one of chapter one hundred and forty-five of the private and local laws of 1857, is hereby amended, so as to read as follows: "Every person who shall willfully take, carry away or otherwise convert to his own use, without the consent of the owner, any log or cant suitable to be worked into plank, boards, joist, shingles or other lumber, the property of another, whether the owner thereof be known or unknown, lying and being in Black river or in any of its tributaries, or on or near the banks of said river, or on or near the banks of any of its tributaries, for the purpose of being driven or floated to market, shall be deemed guilty of the crime of larceny, and on conviction thereof shall be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than one month nor more than six months; and on a second conviction of a like crime, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the penitentiary not less than six months nor more than one year."

Penalty for cutting out or destroying marks.

SECTION 2. Section two of said chapter one hundred and forty-five is hereby amended, so as to read as follows: "Every person who shall cut out, alter or destroy any mark made or caused to have been made by the owner on any log, cant or other lumber lying and being as described in the first section of this act, without the consent of the owner thereof, shall, on conviction, be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than one month nor more than six months; and on a second conviction for a like crime, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the penitentiary for not less than six months nor more than one year."

Jurisdiction.

SECTION 3. Justices of the peace shall have jurisdiction over and cognizance of all actions and proceedings arising in their respective counties, under the provisions of this act, for a first offense.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 264.

[*Published April* 16, 1864.]

AN ACT to provide for the establishment of a state road from Whitehall, in Trempealeau county, to Mondovi, in Buffalo county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners.

SECTION 1. D. S. Watson, David Cummings and J. P. Cummings are hereby appointed commissioners to lay out and establish a state road from Whitehall, in the county of Trempealeau, to Mondovi, in the county of Buffalo, in this state.

To make out and plats.

SECTION 2. After said commissioners shall have laid out said state road, they shall make out three correct maps or plats of survey of said road, one of which said plats of survey they shall file with each of the clerks of the boards of supervisors of the counties of

of Trempealeau and Buffalo, and one of which they shall file in the office of the secretary of state, within sixty days after the said road shall be laid out and established.

SECTION 3. The said commissioners shall receive for their services for laying out said road, such compensation from the counties of Trempealeau and Buffalo as the said county boards of said counties shall deem just and reasonable, but no money shall be paid out of the state treasury therefor. Compensation.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 265.

[*Published April* 6, 1864.]

AN ACT to protect the interests of the creditors of deceased persons.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever there shall be just reason to apprehend that the estate of a deceased person, as set forth in the inventory returned into court by his executor or administrator, may be insufficient to pay the debts of the estate, any one or more of the judgment creditors, or creditors whose claims against the estate shall have been allowed by the county judge or commissioner, may, on behalf of all, bring an action in the circuit court of the county where the letters testamentary or of administration were granted, to reach and subject to sale any real estate or interest therein, or any other assets not included in such inventory, which according to law ought to be subjected to the payment of such debts. Judgment creditors may bring action for sale of property of deceased person, &c.

SECTION 2. Such action shall not be brought to trial until it shall be ascertained whether the estate in the hands of such executor or administrator shall be sufficient to pay the debts of the estate, and if found suffi- When action to be brought to trial.

cient, then such action shall be dismissed at the cost of the plaintiff therein.

When action may proceed, and distribution of proceeds of sale.

SECTION 3. If found to be insufficient, then said action may be proceeded in to trial and judgment, and any property described in the complaint which ought by law to be subjected to the payment of the debts of the deceased, shall be sold under the order of such court, and the proceeds, after paying costs, shall be distributed, *pro rata*, to the creditors of the estate, according to the amounts due to them, respectively.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 266.

[*Published April* 16, 1864.]

AN ACT in relation to the allowance of injunctions or injunctional orders, in certain cases.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

By whom injunctions against ferry boats on certain rivers to be granted.

SECTION 1. No injunction or injunctional order, or order with an injunction clause, shall hereafter be made, signed, allowed or granted to restrain or enjoin the using, running, operating or managing any ferry boat or ferry boats which now are running or which hereafter may run on either the Wisconsin, Chippewa, St. Croix or Mississippi river, by any judicial officer other than the judge of the circuit court in which an application may or shall be made for such injunction, injunctional order, or order with an injunction clause contained in it.

Notice of application must be previously given to owner.

SECTION 2. No injunction, injunctional order, or order with an injunction clause contained it, shall hereafter be made by any circuit judge to restrain the using, managing, operating or running of any ferry boat or ferry boats now running or hereafter to be run on either or any of the said rivers mentioned in the first section of this act, until a notice of at least ten days shall be given to the owner or owners, proprietor or proprietors of any such ferry boat or ferry boats, of the time when

and the place where said application for said injunction, injunctional order, or order with an injunctional clause, shall be made.

SECTION 3. This act shall take effect and be in force from and after its publication.

Approved March 31, 1864.

CHAPTER 267.

[*Published April* 6, 1864.]

AN ACT relating to depositions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

If deposition not filed before commencement of term, adverse party entitled to continuance.

SECTION 1. Every deposition intended to be read in evidence in a court of record, must be filed in court at least one day before the commencement of the term at which the cause in which the deposition is to be used, is noticed for trial; or if filed afterward, and claimed to be used on the trial, the adverse party shall be entitled to a continuance, at the cost of the party at whose instance the deposition was taken, upon showing good cause by affidavit.

When objections to deposition to be made.

SECTION 2. All objections to the validity of any deposition, or its admissibility in evidence, shall be made before entering on the trial, not afterwards; but any deposition after the commencement of the trial, may be suppressed, if any matter which is not disclosed in the deposition appears, which is sufficient to authorize said suppression.

Deposition may be used in subsequent action.

SECTION 3. When an action has been dismissed, and another action has been commenced for the same cause, the depositions taken in the first action may be used in the second, or in any other action between the parties or their representatives for the same cause; but it must appear that the depositions have been duly filed in the court where the previous cause was pending, and have remained on file from the time the action was dismissed until the time at which it was proposed to use them. The provisions of this section shall apply to depositions heretofore taken in actions heretofore dismissed.

Informality not fatal.

SECTION 4. An unimportant deviation from any direction or law relative to taking depositions, shall not cause any deposition to be excluded where no substantial prejudice would be done to the opposite party.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 268.

[*Published April* 16, 1864.]

AN ACT to amend chapter 114 of the general laws of 1861, entitled "an act to amend chapter 34 of the revisid statues, entitled 'of the relief and support of the poor.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section one of chapter one hundred and fourteen of the general laws of 1861, entitled "an act to amend chapter thirty-four of the revised statutes, entitled 'of the relief and support of the poor,'" is hereby amended, by striking out of said section one all after the word, "supervisors," in the eleventh line thereof, so that said section will read as follows: "Chapter thirty-four of the revised statutes, entitled 'of the relief and support of the poor,' is hereby amended, as follows, to wit: Add to section thirty-five of said chapter thirty-four, the following words: '*provided*, that said superintendents of the poor shall at all times be subject to the direction and control of the county board of supervisors, in all things pertaining to the care and support of the poor; and any one or all of said superintendents shall be liable to be removed from the office of superintendent, at any meeting of said board of supervisors.'"

Superintendents; subject to control of supervisors.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 269.

[*Published March* 16, 1864.]

AN ACT to prohibit obstructions in the Fox river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for obstructing navigation.

SECTION 1. If any person or persons whomsoever shall at any time or in any manner whatever, negligently or with design, put or cause to be put into the Fox river at Depere, in Brown county, in this state, any refuse lumber, slabs, saw dust or other waste materials, to an extent that shall materially hinder or obstruct navigation, every such person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars and not more than one hundred dollars, for each and every such offense, and the costs of prosecution.

Jurisdiction.

SECTION 2. Any justice of the peace of said county of Brown, shall have jurisdiction of any offense mentioned in the first section of this act, and in all prosecutions therefor the proceedings therein shall be in accordance with the provisions of chapter 121 of the revised statutes of 1858 of the state of Wisconsin.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 270.

[*Published April* 16, 1864.]

AN ACT relating to homesteads.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Homestead shall descend free from incumbrance, except mortgage.

SECTION 1. Any homestead which shall have been heretofore disposed of by the last will and testament of the owner thereof, or which shall hereafter be disposed of by the last will and testament of the owner thereof,

shall descend to the legatee or legatees in said will named, and they shall take and hold the same according to the terms of said will, free from the incumbrance of all judgments and claims against the testator or his estate, except mortgages lawfully executed thereon.

To whom it shall descend.

SECTION 2. In case the owner of any homestead shall die intestate, leaving a widow and no children, such homestead shall descend to his widow; and in case such owner die intestate, leaving a widow and children, such homestead shall descend to his widow during her widowhood, and in case of her marriage or death, the same shall descend to his legal heirs; and in case such owner die intestate, leaving any child or children, or lineal descendents, but no widow, such homestead shall descend to his legal heirs; and in all cases mentioned in this section, such homestead shall descend freed from the incumbrances of all judgments and claims against the intestate or his estate, except mortgages lawfully executed thereon: *provided*, that nothing in this act shall affect laborers' or mechanics' liens.

Repeal.

SECTION 3. Section two of chapter 137 of acts of a general nature of 1858, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed; and this act shall be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 271.

[*Published April* 16, 1864.]

AN ACT to legalize a public highway in the town of Liberty, in the county of Manitowoc.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Regulated.

SECTION 1. The acts of the supervisors of the town of Liberty, in the county of Manitowoc, on the fifteenth day of April, A. D. 1862, in laying out a highway in said town, described as follows: Commencing at the center of section fifteen, town eighteen, range twenty-

wo, running thence one half mile east on the quarter line of said section, and terminating on the section line between sections fourteen and fifteen in said town, are hereby legalized and declared to be valid, and the said highway is hereby declared to be a legal highway.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 272.

[*Published March* 16, 1864.]

AN ACT concerning acknowledgment of certain deeds and mortgages.

The people of the state of Wisconsin, represented in senate assembly, do enact as follows:

Legality of certain deeds, &c., heretofore recorded, executed out of this state.

SECTION 1. All deeds, mortgages or other instruments in writing, relating to real estate situated within this state, which shall have been recorded in the office of any register of deeds before this act shall take effect, purporting to have been acknowledged or proved without this state, and having upon them substantially the ordinary form of a certificate of acknowledgment or proof, purporting to have been signed by some officer in another state or country, shall be deemed *prima facie* in all legal proceedings to have been acknowledged or proved (as the case may be) before the proper officer, and in conformity with the laws of such state or country where it purports to have been acknowledged or proved; and the records of all such deeds, mortgages and instruments, certificate of acknowledgment and proof, may be read in evidence in like manner and with the same effect as the originals, notwithstanding the omission of a certificate of authentication, as required by sections ten and eleven of chapter eighty-six of the revised statutes.

Records may be used in evidence, &c.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 273.

[*Published April* 18, 1864.]

AN ACT granting to Seth C. McDonald the right to keep and maintain a steam ferry across the Wisconsin river.

(*See supplement to local laws.*)

CHAPTER 274.

[*Published April* 18, 1864.]

AN ACT to authorize the issuing of town orders in payment of bounties to volunteers, credited to the town of Leon, Waushara county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Chairman authorized to issue town orders.

SECTION 1. The chairman of supervisors and clerk of the town of Leon, Waushara county, are hereby authorized to issue town orders upon account of or in settlement of any claim for bounty due from said town to any volunteer or veteran who was mustered into the military service of the United States, between the first day of December, 1863, and the 24th day of February, 1864, and credited to said town of Leon, upon its proper quota under any call of the president for men, upon due proof in each case, by affidavit, that the volunteer claiming such bounty procured himself to be credited to said town of Leon, by reason of promises and with the expectation that he would receive for such credit such local bounty as might be voted to pay volunteers to fill the quota or quotas of such town.

Amount of each.

SECTION 2. The town orders so issued on account of bounty to each volunteer, shall be for the amount agreed upon and voted at a special town meeting held in said town of Leon on the 24th of February, 1864, to be raised and paid as town bounty to each volunteer necessary to fill the quota or quotas of said town. Said orders may be in the usual form, and may be made payable to the volunteers respectively, or to such person or

When payable.

persons as the volunteers may respectively designate in writing; and when issued, said orders shall be a legal and valid charge against said town of Leon, and shall be paid by tax duly levied on the property of said town, upon the assessment thereof for the year 1864.

To be legal charge against town.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 275.

[*Published April* 18, 1864.]

AN ACT to amend section three of chapter one hundred and ninety of the general laws of 1859, entitled "of companies transacting business of insurance."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section three of chapter one hundred and ninety of the laws of eighteen hundred fifty-nine, is hereby amended, so as to read as follows: "Section 3. It shall be the duty of every such insurance company, or some agent or agents thereof, before taking any risks or transacting any business of insurance in this state, to file in the office of the clerk of the circuit court of the county [of] which it, he or they may desire to establish an agency for any such insurance company or individuals, or to transact any business of insurance therein, a copy of the statement required to be filed with the secretary of state, as aforesaid, together with the certified copy of the certificate of said secretary, which shall be carefully preserved for public inspection by said clerk; and also said insurance company, association, partnership, firm or individual shall cause their statement and certificate to be published in the official state paper, and in some daily newspaper of general circulation printed in the city of Milwaukee, for two weeks; and such body or individual shall, before it, he or they, or any agent or agents thereof, shall take any risk or transact any business of insurance, furnish such agent or agents with two copies of such statement

Statement to be filed with clerk of circuit court.

Where statement to be published.

Published statement, &c. to be filed with clerk of circuit court.

and secretary's certificate, one of which shall be deposited and kept in the office of the proper clerk of the circuit court, in the same manner and for the same purpose as hereinbefore mentioned, one of which shall be kept in the office of every such agent or other person, to be submitted to any persons for examination who may desire to procure from such agent or agents, or other persons, a policy of insurance or renewal thereof, if demanded by him or them."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 276.

[*Published April* 18, 1864.]

AN ACT to provide against the purchase of tax deeds or tax certificates, by county officers or their deputies or clerks.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

No county treasurer, clerk of board or their deputies to purchase lands sold for taxes.

SECTION 1. It shall not be lawful for any county treasurer, or clerk of the county board of supervisors, or any of their deputies or clerks, or any other person for them, or any of them, to purchase, directly or indirectly, property sold for taxes at any tax sale, or to purchase any tax certificate or tax deed held by the county, except for and on behalf of the county, as now provided by law. Every violation of the provisions of this section, shall be deemed a misdemeanor, and shall be punished as provided by section two of this act.

Penalty.

SECTION 2. Any officer or person who shall violate any of the provisions of this act, shall, upon conviction thereof in any court of competent jurisdiction, be fined not less than one hundred dollars nor more than three hundred dollars, or be imprisoned in the county jail for not less than one month nor more than six months, at the discretion of the court.

Certain tax deeds &c. invalid.

SECTION 3. Any tax certificate or tax deed issued in violation of the provisions of this act, is hereby declared null and void, and no money received into the

county treasury for any such tax certificate shall be refunded to the purchaser, or to any person on his behalf.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 277.

[*Published April* 18, 1864.]

AN ACT authorizing the St. Croix and Lake Superior railroad company to protect their lands and the timber thereon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The St. Croix and Lake Superior railroad company is hereby authorized and empowered to preserve and protect the timber growing or being upon any of the land heretofore granted by congress to the state of Wisconsin, to aid in the construction of railroads, approved June 3d, 1856, and which are situated within fifteen miles of the located line of such company's railroad; and for that purpose may exercise all the powers which the agents of the state might do, and may prosecute in the name of the state of Wisconsin, any person or persons who shall cut or carry away any timber or logs growing on or being upon said lands, or who shall commit any trespass or injury to the same, before any court or magistrate having jurisdiction of the action, and shall recover from such person or persons triple damages for the wrongs and injury done, or such damage as the state might or ought to recover if prosecuting for such triple damages in its own behalf. May prosecute in the name of the state, for cutting or carrying away timber, &c.

SECTION 2. The said company is hereby further authorized to prosecute in the name of the state of Wisconsin, any person or persons who may cut or carry away any timber or logs from off any of said lands, according to the provisions of section fifty-three of chapter one hundred and sixty-five of the revised statutes. Ibid.

SECTION 3. Said company shall have the power to seize and take into its possession, by its authorized agent May take and sell timber, &c. cut on lands.

or agents, any of the timber or logs which may be cut or carried away from said premises without lawful authority, by any person or persons, wherever the same may be, and shall sell and convert the same into money, which shall be immediately paid over into the state treasury, less the necessary costs and expenses incurred in (*in*) the recovery and sale of such property; but any sale of any timber or logs so seized, shall be made at public aution, to the highest bidder for cash; and the time and place of any such sale shall be published at least three weeks prior thereto in a newspaper published at the city of Hudson, and notice thereof shall be posted in three or more conspicuous places at or near the place of sale.

Embezzlement.

SECTION 4. Any officer or agent of the said company who shall become possessed of any money being the proceeds of the sale of any timber or logs cut upon said lands, who shall fail to pay the same over as provided in section three of this act, or who shall willfully convert the same to his own use, or the use of any other person, shall be deemed guilty of the crime of embezzlement, and punished accordingly.

State not liable for costs.

SECTION 5. Nothing in this act shall be construed as in any manner making the state liable for any of the costs or expenses attending the prosecution of any action hereby authorized to be instituted, or any judgment thereon, or in making the state liable for any cost or expense attending the protection and supervision of said lands; but all such expenses and costs and judgments shall be borne and paid by said company, or the persons who may be legally liable to pay the same.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 278.

[*Published April* 18, 1864.]

AN ACT to amend chapter forty-nine of the revised statutes, entitled "of the adoption of children," and to repeal section two of said chapter, and also to repeal chapter two hundred and fifty-three of the general laws of 1862.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

By whom consent to adoption may be given.

SECTION 1. Section two of chapter forty-nine of the revised statutes, is hereby amended, so as to read as follows: "Section 2. No such adoption shall be made without the consent, in writing, of such of the parents of said child as may be living, unless it shall appear to the judge that either of the parents has abondoned the child or gone to parts unknown, when such consent may be given by the parent having the charge and care of the child. And in case where neither of the parents is living, such consent may be given by the guardian, if such child has any, and if there be no guardian, such consent may then be given by any of the next of kin of such child, residing in this state; and if there be no such next of kin, or if such next of kin be unknown, such consent may be given by some suitable person to be appointed by such judge; and in case of a child not born in lawful wedlock, such consent may be given by the mother."

SECTION 2. Chapter two hundred and fifty-three of the general laws of 1863, [1862,] is hereby repealed; and this act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 279.

[*Published April* 19, 1864.]

AN ACT to authorize Fordyce S. Richards to keep and maintain a ferry on the Mississippi river.

(*See supplement to local laws.*)

CHAPTER 280.

[*Published April* 18, 1864.]

AN ACT to repeal sections one hundred and two, one hundred and three, one hundred and four and one hundred and five of chapter twenty-three of the revised statutes, relating to common schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Sections one hundred and two, one hundred and three, one hundred and four and one hundred and five of chapter twenty-three of the revised statutes, entitled "of common schools," are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 281.

[*Published April* 18, 1864.]

AN ACT for the relief of Portage county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County to be credited with $1,331 75.

SECTION 1. There is hereby remitted to the county of Portage, the sum of thirteen hundred and thirty-one dollars and seventy-five cents, ($1,331.75,) being the

amount authorized to be charged to the county of Portage by section two of chapter two hundred and sixty-nine of the general laws of 1861, and the state treasurer is hereby directed to credit the county of Portage with said amount.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 282.

[*Published April* 18, 1864.]

AN ACT to legalize the acts of a town meeting held in the town of Lebanon, in the county of Waupaca, on the 20th day of February, 1864, at which bounties were voted to persons who may enter or may have entered the military service of the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The proceeding of a special town meeting of the town of Lebanon, in the county of Waupaca, held on the twentieth day of February, A. D. 1864, at which a bounty was voted to persons who may enter or who may have entered the military service of the United States, to the credit of said town, and the taxes voted to be levied and collected in pursuance thereof, are hereby made and declared to be legal and valid to all intents and purposes, notwithstanding the tax so voted exceeded the amount authorized by law to be levied and collected for such purpose. Proceedings of meeting legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 283.

[*Published April* 18, 1864.]

AN ACT to detach the counties of Richland and Crawford from the sixth judicial circuit, and to attach said counties to the fifth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Detached and attached.

SECTION 1. The counties of Richland and Crawford, in the state of Wisconsin, are hereby detached from the sixth judicial circuit, and the same are hereby attached to and shall hereafter constitute a part of the fifth judicial circuit, in said state of Wisconsin.

SECTION 2. This act shall take effect on the first day of January, A. D. 1865, and be in force from and after that time.

Approved March 31, 1864.

CHAPTER 284.

[*Published April* 18, 1864.]

AN ACT to authorise Frances E. Burns, a minor, to sell, convey and vest real estate, and to transact other business therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May sell lands, &c.

SECTION 1. That Frances E. Burns, (a minor,) of the city of La Crosse, county of La Crosse, state of Wisconsin, be and she is hereby authorized and empowered to lease, grant, bargain, sell and convey real and personal estate and property, transact business, and bind herself by her contracts, devise and bequeath real and personal property, sue and be sued in all the courts of this state, the same and in the same manner and [in] all respects as if she were of the full age of twenty-one years.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 285.

[*Published April* 18, 1864.]

AN ACT to legalize the proceedings of the board of supervisors of Wood county, in the formation of the town of Sigel.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proceedings legalized.

SECTION 1. The proceedings of the board of supervisors of the county of Wood, made on the tenth day of January, A. D. 1863, establishing the town of Sigel, and under which the said town was organized on the first Tuesday of April, A. D. 1863, are hereby legalized and declared valid to all intents and purposes, as fully as the same would have been had all the forms and requirements of the statutes in relation to the passage and publication of such order, been fully complied with.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 286.

[*Published April* 18, 1864.]

AN ACT relating to evidences in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Patents to state lands, or record thereof, *prima facie* evidence of title in grantor.

SECTION 1. All patents issued by the proper state officers for any school, university or swamp lands, or the record of any such patent, when duly recorded, as provided by law, shall be *prima facie* evidence in all courts and places, that the grantor therein had lawful title to the premises therein described, at the date thereof, and such patents or the record thereof, duly certified, shall be *prima facie* evidence of all facts therein recited.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 287.

[*Published April* 18, 1864.]

AN ACT to amend chapter one hundred and ninety of the laws of 1859, entitled "an act to regulate insurance companies not incorporated by the state of Wisconsin."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Company failing to make annual report, may be re-admitted, &c.

SECTION 1. That section five of "an act to regulate insurance companies not incorporated by the state of Wisconsin, approved March 17, 1859, is hereby amended, by adding the following: "*And provided, further*, that any such insurance company which shall have paid its license fee of five hundred dollars, and shall thereafter have failed to make the said annual report for a time not exceeding two years, may be re-admitted, if the secretary of state shall deem it proper so to do, on making a full report as required by this act, of all premiums received in this state since its last report, and paying into the state treasury the three per centum license fee thereon, with an additional sum of fifty dollars as penalty."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1864.

CHAPTER 288.

[*Published April* 18, 1864.]

AN ACT to amend chapter one hundred and thirty-two of the revised statutes, entitled "of issues, mode of trial and judgment, in civil actions."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Cases in which the judge may order a reference, without consent of both parties.

SECTION 1. Chapter one hundred and thirty-two of the revised statutes, entitled "of issues, mode of trial and judgment, in civil actions," is hereby amended, by adding at the conclusion of section twenty-two of said

chapter, the following: "When the parties do not consent to a reference, the court may, upon the application of either party, or of its own motion, direct a reference in the following cases: 1st. When the trial of an issue of fact shall require the examination of a long account on either side, in which case the referees may be directed to hear and decide the whole issue, or to report upon any specific question of fact involved therein; or, 2d. When the taking of an account shall be necessary for the information of the court, before judgment, or for carrying a judgment or order into effect; or, 3d. When a question of fact other than upon the pleadings, shall arise upon motion or otherwise, in any stage of the action."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1864.

CHAPTER 289.

[*Published April* 18, 1864.]

AN ACT to amend the charter of the "St. Croix and Lake Superior railroad company."

(*See supplement to local laws.*)

CHAPTER 290.

[*Published April* 19, 1864.]

AN ACT to amend the record of a public highway in the town of Hebron, Jefferson county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The public highway in the town of Hebron, in Jefferson county, recorded and described as follows, viz.: "Beginning at the center of section twelve,

town five, range fifteen east, and running thence north on the quarter line one hundred and thirty-five chains, intersecting the Milwaukee and Fort Atkinson territorial road on section thirty-six, town six, range fifteen east, to be four rods in width," is hereby made and declared to be three rods in width; and the town clerk of said town is hereby authorized and directed to make a new record of said highway, to comply with the provisions of this act, and said record when so made, shall be deemed the valid and authentic record of said highway, for all purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1864.

CHAPTER 291.

[*Published April* 18, 1864.]

AN ACT to vacate certain blocks and streets in the village of Waucoma, in the county of Rock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vacated.

SECTION 1. All of blocks five, six, thirteen and fourteen, and the streets adjoining the same, in the village of Waucoma, in the county of Rock, are hereby declared vacated, and shall be the same as though they had never been platted.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1864.

CHAPTER 292.

[*Published April* 18, 1864.]

AN ACT to amend chapter eighty-nine of the (*private and local*) laws of 1849, entitled "an act to incorporate the Methodist Episcopal church."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That section one of chapter eighty-nine of the (*private and local*) laws of 1849, entitled "an act to incorporate the Methodist Episcopal church," be and is hereby amended, so as to read as follows: "Section 1. All the Methodist Episcopal churches heretofore organized under the territorial or state laws of Wisconsin, may, upon proper notice, meet, vacate their organization, and reorganize in conformity to the discipline of the Methodist Episcopal church, notice being given by the preacher in charge to the members at a public meeting of the church, of not more than fifteen nor less than three days, naming the time and place for holding said meeting. The members meeting in accordance with such notice, by a majority vote of all the members present, may vacate the orginal organization, and proceed to organize under this act." Vacation of organization, &c.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1864.

CHAPTER 293.

[*Published April* 19, 1864.]

AN ACT to authorize Eugene W. Sprague, a minor, to transact business.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Eugene W. Sprague, of the city of Watertown, in this state, is hereby authorized and empowered to grant, bargain, sell and convey real and per- Authorized to transact business, &c.

sonal estate and property, transact business, and bind himself by his contracts, devise and bequeath real and personal property, sue and be sued in all the courts of this state, the same and in the same manner, in all respects, as if he were of the full age of twenty-one years.

SECTION 2. This act shall take effect and be in full force from and after its passage.

Approved March 18, 1864.

CHAPTER 294.

[*Published April* 18, 1864.]

AN ACT to legalize a special town meeting held in the town of Courtland, Columbia county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proceedings legalized.

SECTION 1. The special town meeting held in the town of Courtland, Columbia county, on the fourth day of February, 1864, for the purpose of raising a special tax to pay extra bounties to volunteers into the military service of the United States, is hereby declared legal and valid for all intents and purposes for which the same was held; and all acts done in pursuance of the vote or votes of said meeting, by the officers of said town, or any of them, or of the persons who acted as inspectors of election at said special town meeting, are hereby declared valid, the same as if the law had been fully complied with in notifying and conducting said meeting.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1864.

CHAPTER 295.

[*Published April* 18, 1864.]

AN ACT relating to the jurisdiction of certain counties on the Saint Croix lake and river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The counties of Pierce, Saint Croix, Polk and Burnett, and such other counties as shall hereafter be organized within this state, upon the Saint Croix river and lake, shall have jurisdiction, in common, in all offenses on said river, within the jurisdiction of the state, and such offenses may be heard and tried in either of said counties in which legal process against the offenders shall be first issued, in like manner and to the same effect as if the offense had been committed within the county in which such process shall be issued.

Persons guilty of offenses on St. Croix river, may be tried thereof in any county on said river.

SECTION 2. All civil processes from either of the counties named in the preceding section, and from such other counties as shall hereafter be organized upon the Saint Croix river or lake, may be executed upon that part of said river or lake which lies within the jurisdiction of this state.

Execution of process.

Approved April 1, 1864.

CHAPTER 296.

[*Published April* 19, 1864.]

AN ACT to provide for the expenditure of the drainage fund in Shawano county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That portion of the interest of the drainage fund due the county of Shawano, for the year 1864, shall be paid over to the county treasurer of said county, at the same time with the money due the said county from the school fund for the said year.

When fund to be paid.

To be expended on Shawano and Green Bay road.

SECTION 2. The moneys mentioned in the foregoing section, shall be expended on and for the improvement of that part of the Shawano and Green Bay road lying in Shawano county, under the direction of the commissioners hereinafter appointed.

Commissioners, &c.

SECTION 3. A. G. Rockwell and Henry Snecke, of Shawano county, and W. J. Abrams, of Brown county, are hereby appointed commissioners to superintend the expenditure of the said moneys. They shall receive such compensation, not to exceed two dollars for each day actually and necessarily employed in their duties as such commissioners, as the board of supervisors of said county shall audit and allow.

Contracts to be let to lowest bidders.

SECTION 4. It shall be the duty of said commissioners, or a majority of them, to determine where and what kind of improvement is needed on said road. They shall let all contracts for such improvement to the lowest bidder, who shall give such security as they may deem necessary. They shall give notice of the day fixed for the letting of such contracts, and of the kind and amount of work so to be let, for at least two weeks, in any paper printed in said county, and by posting a copy of such notice in a public and conspicuous place in each town of said county. On completion of such work or contract, and no sooner, they shall draw orders on the county treasurer for the sums needed to pay for such work or contract, and the county treasurer shall pay the same out of the moneys of said fund.

When work to be paid for.

Commissioners not to be interested in contracts.

To keep records, &c.

SECTION 5. The commissioners so appointed shall not themselves take or bid on any such job or contract, nor shall they be either directly or indirectly interested therein. They shall keep a record of their proceedings and vouchers for all moneys paid out by them, and shall make a full report of their doings and expenditures to the county board of supervisors of said county, in the month of November, of said year.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1864.

CHAPTER 297.

[*Published April* 19, 1864.]

AN ACT to vacate a part of Vliet street, in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. So much of Vliet street, in the city of Milwaukee, as lies between the "Rock river canal," so called, and the Milwaukee river, one-half thereof being in the second ward and one-half thereof in the sixth ward of said city, is hereby vacated and discontinued for all public purposes: *provided*, that this act shall not take effect or be in force until the owner or owners of the lots adjoining the portion of said street so to be vacated, shall have paid to the treasurer of the city of Milwaukee the sum of one thousand dollars, one-half thereof for the use of the said second ward, and one-half thereof for the use of the said sixth ward, to be disposed of as said wards shall, respectively, direct. Vacated. Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and the payment of the sum of one thousand dollars, as provided in the first section hereof.

Approved April 1, 1864.

CHAPTER 298.

[*Published April* 19, 1864.]

AN ACT to authorize the secretary of state to audit a certain account.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized to audit the account of Atwood and Rublee, for pamphlet copies of the laws of 1864, in accordance with joint resolution number twenty-three, A., of the present session. For pamphlet copies of laws.

within the time allowed by law for the presentation of claims against the war fund of this state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1864.

CHAPTER 304.

[*Published April* 19, 1864.]

AN ACT to amend the charter of the Chicago and Northwestern railway company.

(*See supplement to local laws.*)

CHAPTER 305.

[*Published April* 20, 1864.]

AN ACT for the preservation of fur-producing animals herein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Animals not to be killed between May 1 and Nov. 1.

SECTION 1. No person or persons (except Indians not civilized, and they only on their reservations,) shall kill, destroy or take, or pursue with intent to kill, destroy or take by any gin, snare, trap, contrivance or means whatever, any muskrat, mink, otter, beaver, marten or fisher, between the first day of May and the first day of November, in any year.

Penalty.

SECTION 2. Any person or persons who shall trap, snare, kill, destroy or take by any device, contrivance or means whatever, or shall pursue with intent to kill, destroy or take by any gin, snare, trap, device, contrivance or means whatever, any animal, the killing of which is prohibited by the first section of this act, or who shall have in his possession a fresh skin of any such animal, during the time when the

killing or taking of the same is prohibited by the said first section, shall, upon conviction thereof, suffer a penalty of not less than five dollars nor more than twenty-five dollars, in the discretion of the justice who shall try the case.

SECTION 3. It shall be the duty of any justice of the peace, residing in the county in which any of the provisions of this act shall be violated, on the filing in his office of a complaint of any person, verified by oath, stating facts which show a violation of this act, and the person or persons who violated the same, to cause such person or persons to be arrested and brought before him or some other justice of the county, to be tried for such offense; and upon conviction, such person or persons shall be fined as prescribed in the second section of this act, which fine, when collected, shall be paid, one-fourth to the person making the complaint, the balance to the county treasurer of the county in which the conviction takes place.

Duty of justices.

To whom fine to be paid.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 1, 1864.

CHAPTER 306.

[*Published April* 20, 1864.]

AN ACT to amend chapter ninety-seven of the private and local [general] laws of 1861, entitled "an act to consolidate and amend the act to incorporate the city of Berlin, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The city council shall have power to order any street or alley graded or improved, as provided in the act to which this is amendatory, upon petition of a majority of the property owners on that part of the street or alley improved: *providing*, that no petition shall be required for constructing or repairing any sidewalk.

Improving streets, &c.

Shade trees.

SECTION 2. Upon petition of a majority of property owners of any street or part of a street, the city council shall have power to cause suitable shade trees to be set out along both sides of such street or part of a street. The expense of furnishing and setting said trees, shall be chargeable to the lots opposite to which said trees are set, and if not paid by the owner of any lot at the time of the annual levy of taxes, the amount due upon any lot shall be levied thereon and collected the same as any other taxes for that year.

Vacation of plats

SECTION 3. The city council shall have power to vacate any plat or part of a plat, upon petition of all the property holders interested therein: *provided*, that notice of application for vacating said plat or part of a plat, shall have been published for three successive weeks prior thereto, in a newspaper published in said city.

Deputy clerk.

SECTION 4. The city clerk shall appoint a deputy clerk, to be approved by the council, for whose acts the clerk shall be responsible. The deputy thus appointed shall perform the duties of the clerk, in his absence.

Repeal.

SECTION 5. That portion of section one of chapter two of the act of which this is amendatory, requiring the city treasurer's securities [sureties] to justify, is hereby repealed.

SECTION 6. This act shall take effect from and after its passage.

Approved April 1, 1864.

CHAPTER 307.

[*Published April* 20, 1864.]

AN ACT to authorize certain counties therein named, to aid in the construction of a railroad from Tomah to Lake St. Croix, by the Tomah and Lake St. Croix railroad company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Towns of certain counties may on proposition to aid T. & L. St. C. R. R.

SECTION 1. At the annual town meeting for the election of town officers, to be held in and for the different towns comprising the counties of St. Croix,

Dunn, Chippewa, Pierce, Eau Claire, Buffalo, Clark, Trempealeau, Jackson, Pepin and Monroe, in the year one thousand eight hundred and sixty-four, or at any subsequent annual town meeting or general election held in each and any of said towns comprised in any one of said counties, the legal voters of said counties, or either of them, may deposit ballots, written or printed, in words as follows, to wit: "for railroad aid," or "against railroad aid." Such ballots shall be deposited in a separate box provided for that purpose by the inspectors of election, and such ballots shall be considered as the votes of the legal voters upon such question, and shall be counted, canvassed and returned to the proper officers as in other elections, and as provided under the election laws of the state, applicable thereto: *provided*, ten days' notice of such submission shall be given by the sheriff of the said counties, respectively, by posting in each town in the county, in four public places, a written or printed notice stating that a submission of the question of railroad aid will be had.

Form of ballots, and return of same.

SECTION 2. If a majority of the ballots cast in any of said counties, be "for railroad aid," the county board of supervisors of said counties shall have power, by resolution, to cause to be issued bonds of a denomination of one hundred dollars to one thousand dollars each, to an amount not exceeding fifty thousand dollars for each of said counties, payable thirty years after the date thereof, with interest at the rate of seven per centum, payable semi-annually in the city of New York, at such place as the treasurer of the state shall designate.

If vote favorable, board of supervisors of each county may issue bonds to amount of $50,000.

SECTION 3. The county board of supervisors of each of said counties shall annually cause to be levied and collected, as other state and county taxes are collected, a sum of money sufficient to pay the interest accruing and existing by reason of the bonds which either of said counties may issue, at the rate aforesaid, and such further amount to defray any expense attending the payment of such interest. The county treasurer of each of said counties shall pay over the same to the state treasurer, who shall receive and apply the same to the payment of such accruing interest at the time or times, place or places, when and where the same shall become due.

Annual tax to pay interest on bonds.

Money to be paid to state treasurer.

SECTION 4. From and after the fifteenth year after the issue of bonds by any of said counties, the board

Tax for payment of bonds.

of supervisors of each of said counties, respectively, shall annually cause to be levied and collected as a special tax for that purpose, in the manner state taxes are collected, a sum not exceeding five per cent. of the amount of bonds which may have been issued, or which may remain outstanding at such time; the amount so annually collected in said counties as aforesaid, to be paid over by the county treasurer of each thereof to the state treasurer. The state treasurer with the proceeds shall annually apply the same in the payment of the bonds so outstanding against each of said counties; and in the event of not being able to find parties who may hold the same, willing to receive payment thereon, in that event the state treasurer shall invest such amounts so received in state or United State stocks, and shall receive thereon the amount of interest arising therefrom, and shall reinvest such interest in such stocks, and shall annually report to the county boards of each of said counties, the manner in which he has invested such amounts so paid to him as aforesaid, and the condition of the fund so annually to be raised for the period aforesaid as a sinking fund. The state treasurer shall, during the year previously to the time any of the bonds issued by any of said counties shall become due, realize upon the investments made by him for the purpose of paying and redeeming said bonds, and notify the board of supervisors of each county at least one year before such bonds become due, of the probable amount which he has or will realize from such securities, and the amount of bonds outstanding against each of said counties, and the probable deficiency which will remain after applying such amount so realized in payment of said bonds, together with all proper costs and charges. That it shall be the duty of each of the boards of supervisors of said counties to cause to be collected and paid over to the treasurer of the state, during the year previously to the maturity of any of said bonds, a sum sufficient to make up the same amount due, and that the same be paid over by the county treasurers of said counties to the state treasurer, who shall apply the same in the payment and cancellation of said bonds when they become due.

Application of same.

If money refused, treasurer to invest it in stocks, and report annually to board.

Redemption of bonds.

Tax for deficiency.

Board may make temporary loan.

SECTION 5. For the purpose of promptly meeting the first installment of interest, or any future deficiency before the taxes herein authorized to be collected for

any bonds which any of said counties may issue, the board of supervisors of each of said counties shall have power to make temporary loans for any term not exceeding six months, but such loan shall not exceed seventy-five per centum of the tax levied and assessed for the purpose for which such loans may be made, and such temporary loans shall be paid by the treasurer of the state out of the tax when collected.

Liability of present territory of county.

SECTION 6. Any future dismemberment of the present territory comprising any of the counties aforesaid, by the erection of a new county or otherwise, the portion detached shall continue to be taxed for the purposes herein and by this act provided, the same as if such detachment had not been made, and according to the value of the property therein.

Application of avails of bonds.

SECTION 7. The said bonds, when authorized to be issued as aforesaid, shall be held by the county board of supervisors of each of said counties, and the same, or the avails thereof, shall be expended in the counties which issued the same, provided the railroad passes through the said county, in the grading of said railroad or in the purchase of ties therefor; and the said bonds shall be delivered to the said railroad company when the board of supervisors of each of said counties are satisfied that the same will be applied for such purpose.

When bonds to be delivered to company.

Question may be submitted at subsequent election.

SECTION 8. If from any cause the said question is not submitted to the electors of either of said counties at the annual town meeting, on the first Tuesday of April, one thousand eight hundred and sixty-four, it shall be submitted at any election or town meeting thereafter, when any ten electors of said county shall file with the clerk of the county board of supervisors a petition therefor; and when such petition is thus filed, the said clerk shall give notice of the proposed submission of such question in the same manner as notices of general elections are now required by law to be given by the sheriff.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1864.

CHAPTER 308.

[*Published April* 20, 1864.]

AN ACT to authorize Anton and Appolonia Klaus and Willard Lamb to build and maintain a dock and pier on the east shore of Green Bay.

(*See supplement to local laws.*)

CHAPTER 309.

[*Published April* 5, 1864.]

AN ACT to authorize the village of Weyauwega to aid in the construction of the Oshkosh and Wausau railroad.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bonds to amount of $2,000 may be issued in aid of O. & W. R. R.

SECTION 1. For the purpose of aiding in the completion and construction of the Oshkosh and Wausau railroad, the president and trustees of the village of Weyauwega are hereby authorized, on the conditions and for the purposes hereinafter mentioned, to issue the bonds of said village for any sum of money not exceeding the amount of two thousand dollars.

How bonds to be signed, &c.

SECTION 2. Such bonds shall be signed by the president and countersigned by the clerk of said village, and shall be of the denomination of fifty dollars each, payable at such place as the said president may deem advisable, and shall be paid at the times hereinafter specified in this act.

Annual tax for interest, and for principal when due.

SECTION 3. The board of trustees of said village shall have power to issue said bonds on not exceeding five years' time from the first day of April, 1864, with coupons or interest warrants attached, drawing an annual interest of seven per cent., to be paid annually, and shall have power to levy, by special, tax on the taxable property of said village. a sufficient amount to pay the interest on such bonds annually, and also the principal

when the same shall become due: *provided, however*, that the proceeds of the village bonds herein authorized to be issued by the village of Weyauwega, shall be expended in the construction and completion of the Fremont division of said Oshkosh and Wausau railroad.

How avails of bonds to be expended.

SECTION 4. The said bonds shall be payable as follows: Five hundred dollars thereof on the first day of April, 1867, five hundred dollars on the first day of April, 1868, and the remaining one thousand dollars on the first day of April, 1869:

When bonds payable.

SECTION 5. The coupons or interest warrants attached to said bonds shall be receivable by the village treasurer for any village tax levied upon said village by the president and the board of trustees thereof.

Coupons receivable for taxes.

SECTION 6. Before the issue or delivery of any bonds by the president and trustees, in pursuance of this act, an ordinance for that purpose shall be submitted to and approved by the legal voters of said village of Weyauwega, at an election for that purpose, to be called by the said board of trustees, of which at least five days' notice shall be given by publishing the same, together with a copy of such ordinance, in a newspaper published in Waupaca county, and by posting notices thereof in ten of the most public places in said village, which election shall be held at the usual place of holding elections in said village, and shall be conducted and the votes returned and canvassed in the same manner as other village elections. The vote at such election shall be by ballot, on which shall be written or printed, or partly written and partly printed, the words, "for the railroad ordinance," or the words, "against the railroad ordinance," and if a majority of the whole number of votes cast at such election shall be for the railroad ordinance, the bonds provided for in and by this act may be issued and delivered, and not otherwise.

Question to be submitted to vote.

Form of ballots &c.

SECTION 7. The board of trustees of said village shall have power and authority to make, conclude and enter into any agreement with the Oshkosh and Wausau or the Chicago and Northwestern railroad company, which they may deem necessary for the protection and security of said village, on account of issuing such bonds: *provided, however*, that such bonds, or the proceeds of the sale thereof, shall be delivered to the proper officer or officers of the Chicago and Northwestern railroad company, and by said railroad company expended

May enter into an agreement with O. and N. W. R. R.

and laid out on the Fremont division of the said Oshkosh and Wausau railroad.

SECTION 8. This act shall be in force from and after its passage.

Approved April 1, 1864.

CHAPTER 310.

[*Published April* 20, 1864.]

AN ACT to amend section 74 of chapter 19 of the revised statutes, entitled "of highways and bridges, and of ferries."

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Roads may be laid out three rods wide.

SECTION 1. Section 74 of chapter 19 of the revised statutes, is hereby amended, to read as follows: "The supervisors of the several towns in this state, shall have power to lay out public roads of the width of three rods, when in their opinion a road of greater width is not needed.

Legal highways.

SECTION 2. Any roads which have been heretofore laid out of the width of three rods, and not ordered open, shall be deemed legal highways when an order of the supervisors to open said roads shall be filed with the town clerk; and any persons considering themselves aggrieved by the opening of such road, shall have the same privilege of appeal after the service of the order to open said road, as is now provided in the laying out and establishing highways in said chapter 19.

Appeals.

SECTION 3. This act to be in force from and after its passage.

Approved April 1, 1864.

CHAPTER 311.

[*Published April* 20, 1864.]

AN ACT to incorporate the Waupun and Rock river railway company.

(*See supplement to local laws.*)

CHAPTER 312.

[*Published April* 20, 1864.]

AN ACT to vacate the plat of the village of Helena, in Iowa county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The plat of the village of Helena, in Iowa county, Wisconsin, laid out on fractional lots three and four, in section number thirty, township number eight, north of range number four, east of the fourth principal meridian, is declared to be and the same is hereby vacated. Vacated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1864.

CHAPTER 313.

[*Published April* 20, 1864.]

AN ACT to vacate a portion of Palmatary street, in the village of Horicon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That portion of Palmatary street, in the village of Horicon, which extends from Walnut Vacated.

street to Maple street, in said village, is hereby vacated.

SECTION 2. This act shall take effect from and after its passage.

Approved April 1, 1864.

CHAPTER 314.

[*Published April* 20, 1864.]

AN ACT to legalize a special town meeting held in the town of Forest, Fond du Lac county, for the purpose of raising money, by tax, to pay volunteers who may enlist in the military service of the United States, from the said town of Forest.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Meeting and tax legalized.

SECTION 1. The special town meeting held in the town of Forest, Fond du Lac county, Wisconsin, on the 7th day of March, 1864, for the purpose of raising money, by tax, to pay volunteers who might thereafter enlist in the military service of the United States, as stated in the notice for said meeting, and also the tax roll subsequently made out and delivered to the treasurer of said town, are hereby declared to be legal and valid for all purposes whatsoever.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1864.

CHAPTER 315.

[*Published April* 20, 1864.]

AN ACT to provide for the indexing and transcribing the journals of the senate and assembly.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

propriation transcribing.

SECTION 1. There is hereby appropriated to Frank M. Stewart, chief clerk of the senate, for indexing the

senate journal, the sum of one hundred dollars, and for completing the transcribing of the senate journal, the sum of one hundred dollars.

Appropriation for indexing.

SECTION 2. There is hereby appropriated to John S. Dean, chief clerk of the assembly, for indexing the assembly journal, the sum of one hundred dollars, and for completing the transcribing of the assembly journal, the sum of one hundred and fifty dollars.

When money to be draw.

SECTION 3. No money hereby appropriated shall be drawn from the treasury, until the secretary of state shall certify that the duties herein provided for shall have been, respectively, performed.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved April 1, 1864.

CHAPTER 316.

[*Published April* 21, 1864.]

AN ACT to provide seals to be furnished for the use of registers of deeds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Seals to be furnished registers of deeds.

SECTION 1. The board of supervisors of each county in this state is hereby required, as soon as practicable after the passage of this act, to provide and furnish a seal for the office of register of deeds, with such inscription and devices as shall be appropriate, in each of the respective counties.

Seal sufficient authentication of certificate.

SECTION 2. The register of deeds in each of the several counties of this state, is hereby authorized to adopt and use such seals as provided for by section one of this act, and the affixing of such seal to any certificate of record or attestation issuing from said office, shall be deemed a sufficient authentication thereof to make it testimony in any court of this state.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 317.

[*Published April* 21, 1864.]

AN ACT to authorize the commissioners of school and university lands to annul patents, in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Patents erroneously issued may be annulled.

SECTION 1. Whenever the commissioners of school and university lands, of this state, are satisfied that they have erroneously or improperly signed any patent for school or university lands, or for swamp lands, and that wrong or injustice may be done or may have been done in consequence of the issuing of such patent, they shall be and hereby are authorized and empowered, upon the application and request, in writing, of the patentee, his heirs or assigns, which application shall be filed in the office of the secretary of state, to revoke and annul the same.

How annulled.

SECTION 2. Such patent may be revoked and annulled by the certificate of the commissioners of school and university lands, that such patent has been erroneously or improperly executed and issued.

Certificate to be filed with secretary of state, &c.

SECTION 3. The certificate mentioned in section two of this act, shall be filed in the office of the secretary of state, and a certified copy thereof recorded in the office of the register of deeds of the county in which the patented land lies; and whenever the same is so recorded, the said patent shall be absolutely revoked and annulled, and shall be held to be void and of no effect, in all courts and places.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 318.

[*Published April* 20, 1864.]

AN ACT concerning the liability of innkeepers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No innkeeper in this state, who shall constantly have in his inn an iron safe in good order, and suitable for the safe custody of money, jewelry and articles of gold or silver manufacture, and of the like, and who shall keep a copy of this act printed by itself, in large, plain English type, and framed, constantly and conspicuously suspended in the office, bar-room, saloon, reading, sitting and parlor room of his inn, and also a copy printed by itself in ordinary size, plain English type, posted upon the inside of the entrance door of every public sleeping room of his inn, shall be liable for the loss of any such articles aforesaid, suffered by any guest, unless such guest shall have first offered to deliver such property lost by him to such innkeeper for custody in such iron safe, and such innkeeper shall have refused or omitted to take it and deposit it in such safe for its custody, and give such guest a receipt therefor. Liability for money, jewelry, &c.

SECTION 2. No innkeeper in this state shall be liable for the loss of any baggage or other property of a guest, caused by fire, not intentional, produced by the innkeeper or any of his servants; but any innkeeper shall be liable for any loss of any guest in his inn, caused by theft or gross negligence of the innkeeper, or any of his servants, anything to the contrary thereof in this act notwithstanding. Liability for baggage.

SECTION 3. All acts or parts of acts inconsistent with or in conflict with this act, are hereby repealed. Repeal.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 319.

[*Published April* 20, 1864.]

AN ACT to vacate certain lots and blocks in the village of Hayton, in Calumet county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lots and blocks vacated.

SECTION 1. The following lots and blocks, in the village plat of Hayton, in the county Calumet, which said plat was duly recorded in the office of the register of deeds of the said county of Calumet, are hereby vacated, to wit: Lots numbers one, two and three, in block number two; lots numbers two, three, four, five, six and seven, in block number one; lots numbers eight, four, three, one, two, five, six and seven, in block number five, and lots numbers twenty, twenty-two, twenty-four, twenty-five, thirteen, nineteen, eighteen, nine, seventeen, sixteen, fifteen, fourteen, twelve, eleven, ten, eight, seven, six, five, four, twenty-one, twenty-three, two, one and three, in block six: *provided, however*, that any person owning a lot or lots in any of the aforesaid blocks, for the purpose of sale or paying of taxes thereon, may describe such lots as heretofore, to wit: as lot —— of block ——, in village plat of Hayton.

How lands to be assessed.

SECTION 2. The lands upon which said blocks have been laid out, shall hereafter be appraised and assessed irrespective of subdivisions into blocks, parts of blocks, streets and alleyways; and the assessor of said town in which said blocks are situated, is hereby authorized and required, on or before the first day of June next, to amend the assesment roll of said town, in accordance with the requirements of this act.

SECTION 3. This act is hereby declared a public act, and shall take effect from and after its passage.

Approved April 2, 1864.

CHAPTER 320.

[*Published April* 20, 1864.]

AN ACT to extend to executors and administrators the provisions of chapter one hundred and forty-one of the revised statutes, relating to actions for the recovery of real estate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any executor or administrator may proceed by action, pursuant to chapter one hundred and forty-one of the revised statutes, to recover possession of specific real property belonging to the estate represented by him. Recovery of specific real property.

SECTION 2. The complaint in such action shall set forth the nature and extent of the interest which the heirs, devisees or successors in interest of the deceased have in the premises claimed, and that the plaintiff, as such executor or administrator, is entitled to the possession of such premises, and that the defendant unlawfully withholds the possession thereof from him. What complaint to set forth.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 321.

[*Published April* 20, 1864.]

AN ACT relating to the purchase of books and reports for the state library, and amendatory of section eight of chapter 26 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section eight of chapter 26 of the revised statutes of this state, is hereby amended, so as to read as follows: "Section 8. There is hereby annually appropriated to the governor of the state, the sum of five hundred dollars, to be paid to him by the state treasurer, out of any money in the state treasury not Books to amount of $500 may be purchased annually.

otherwise appropriated, to be expended under the direction and approval of the governor, by the state librarian, in the purchase of such law reports and other books for the state library, as may be deemed necessary or advisable."

Construction.

SECTION 2. Section eight of chapter 26, as amended by section one of this act, shall be construed to appropriate the sum of five hundred dollars for the purpose therein mentioned, for the year 1864, as well as for subsequent years.

SECTION 3. This act shall take effect from and after its passage.

Approved April 2, 1864.

CHAPTER 322.

[*Published April* 20, 1864.]

AN ACT relating to the duties of the secretary of state, and amendatory of section 77 of chapter seven of the revised statutes, entitled "of elections other than for town officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Record of results of elections.

SECTION 1. Section seventy-seven of chapter seven of the revised statutes, entitled "of elections other than for town officers," is hereby amended, so as to read as follows: "Section 77. The secretary of state, upon the receipt of the certified statements of the votes given in the several counties, directed to be sent to him by the clerks of the boards of supervisors, shall record the result of such election by counties, in a suitable book to be kept in his office for that purpose, and shall file and carefully preserve the certified statements so by him received; and if no such statement shall be received by him from the clerk of the board of supervisors of any county, he shall obtain the same as early as practicable from any other source, and when received, shall record and file the same in like manner."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 323.

[*Published April* 21, 1864.]

AN ACT to amend chapter one hundred and fifty-three of the private and local laws of 1859, entitled "an act to incorporate the Half Moon lake canal company."

(*See supplement to local laws.*)

CHAPTER 324.

[*Published April* 21, 1864.]

AN ACT to aid the Tomah and Lake St. Croix railroad company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Exempt from taxation for ten years.

SECTION 1. All lands hereafter acquired by the Tomah and Lake St. Croix railroad company, and [of] which the title in fee to said lands or any part thereof may become vested in said company, by and pursuant to the act of congress entitled "an act granting a portion of the public lands to the state of Wisconsin, to aid in the construction of railroads," approved June 3d, 1856, and the laws of the state of Wisconsin granting and conferring rights thereto, under and by the act of incorporation of said railroad company, and the acts amendatory thereto, shall be exempt from all taxation for ten years from and after the passage of this act.

Lands when sold, subject to taxation.

SECTION 2. In case any such lands shall be sold, contracted to be sold, leased or conveyed by said company, or any person or persons for said company, then such lands shall become subject to taxation immediately, and the exemption provided for by this act shall no longer apply to such lands: *provided*, the said lands may be mortgaged for the purpose of raising funds to build said railroad, without being subject to taxation for the time aforesaid.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 325.

[*Published April* 20, 1864.]

AN ACT to enable John H. Knapp and Andrew Tainter to construct and maintain a dam across the Red Cedar river, in the county of Dallas.

(*See supplement to local laws.*)

CHAPTER 326.

[*Published April* 21, 1864.]

AN ACT for the relief of the Polk county agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When warrant may be drawn on treasurer.

SECTION 1. The secretary of state is hereby authorized and directed to issue an order upon the state treasurer, in favor of the Polk county agricultural society, pursuant to section five of chapter fifty-three of the general laws of 1858, in the same manner as though the annual report of said society had been received on the first day of February, 1864: *provided*, said report be on file in the office of [the] secretary of state at the time of the passage of this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1864.

CHAPTER 327.

[*Published April* 21, 1864.]

AN ACT to legalize the issuing of town bonds in the town of Winneconne, Winnebago county, to volunteers into the service of the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town bonds of the town of Winneconne, in Winnebago county, issued by the supervisors of said town, in pursuance of a special town meeting held in said town of Winneconne, on the 12th day of February, A. D. 1864, for the purpose of raising money and paying bounties to volunteers into the military service of the United States, are hereby legalized and declared to be valid against said town of Winneconne, to all intents and purposes. Issue of bonds legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 328.

[*Published April* 21, 1864.]

AN ACT to legalize the issuing of town orders in the town of Menasha, Winnebago county, to volunteers in the military service of the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town orders of the town of Menasha, in Winnebago county, issued by the supervisors of said town, for the purpose of raising and paying bounty to volunteers in the military service of the United States, are hereby legalized and declared to be valid against said town of Menasha, to all intents and purposes. Issue of town orders legalized.

SECTION 2. This act shall take effect from and after its passage.

Approved April 2, 1864.

CHAPTER 329.

[*Published April* 21, 1864.]

AN ACT to authorize the county of Douglas to raise an extra road and bridge fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bonds to amount of $15,000 may be issued for building of roads and bridges.

SECTION 1. The county board of supervisors of the county of Douglas, are hereby authorized to make and execute contracts to the lowest bidders, for opening, improving, building and superintending roads and bridges in said county, and to liquidate the indebtedness of the county thereby incurred, by issuing the bonds of said county, payable at the pleasure of the county at any time within fifteen years from and after the date or dates of said bonds, with annual interest at the rate not over seven per cent. per annum: *provided*, that the aggregate amount of said bonds shall not exceed twenty-five thousand dollars.

Tax for interest.

SECTION 2. The supervisors of said county shall cause to be levied and collected annually, a sufficient sum of money, by tax, to pay the interest upon said bonds, issued as provided by section one of this act.

Delinquent taxes set apart as a sinking fund.

SECTION 3. So much of the proceeds of the delinquent taxes now due, or which may hereafter become due or be received into the treasury of said county, from such taxes, pursuant to the laws in such cases made and provided, as may be necessary to meet the payment of said bonds, as they shall become due, shall be set apart by said board of supervisors, and held as a sinking fund for the purpose of meeting said payments; and said board of supervisors are hereby requested [required] to provide for any deficiency which the amount of the proceeds of said delinquent taxes is not sufficient to pay, by causing to be levied and collected, during the year next preceding the time said bonds shall become due, a sufficient sum, by tax, to pay said deficiency.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 330.

[*Published April* 21, 1864.]

AN ACT to provide for laying out a state road from Black River Falls, in Jackson county, to Chippewa Falls, in Chippewa county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Harris Searl, of Eau Claire county, and James Melville and Rodman Palmer, of Chippewa county, are hereby appointed commissioners to lay out and establish a state road from Black River Falls, in Jackson county, to Chippewa Falls, in Chippewa county. Commissioners.

SECTION 2. The said commissioners shall receive for laying out said road, such compensation for their services, from the counties through which said road shall pass, as the supervisors of such counties shall deem just and reasonable, but no money shall be paid out of the state treasury therefor. Their compensation.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 331.

[*Published April* 21, 1864.]

AN ACT to provide for the punishment of certain offenses against log-owners.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. If any owner, lessee, operator or other person in the occupancy and possession of any lumber or shingle mill in this state, shall manufacture logs other than his own, into lumber, timber, pickets or shingles, and shall neglect or refuse, within thirty days after so demanded to do, to deliver to the person or persons, or corporation, such share or proportion of Penalty for refusal to deliver to owner his proportion of lumber, &c.

the lumber, timber, pickets or shingles so manufactured as such person, persons or corporation may be entitled to demand and receive, and which may be due pursuant to custom or contract to such owner or person having legal control of such logs, or shall neglect or refuse, within thirty days after demanded so to do, to pay to such owner or person having the legal control of said logs, the value in money of such lumber, timber, pickets or shingles, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished, if the value of such lumber, timber, pickets or shingles shall exceed one hundred dollars, by imprisonment in the state prison not more than three years nor less than one year; and if the value of such lumber, timber, pickets or shingles shall not exceed one hundred dollars, by imprisonment in the county jail not more than one year nor less than thirty days, or by a fine not exceeding three hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 332.

[*Published April* 21, 1864.]

AN ACT to provide a sinking fund for paying certain debts and liabilities of the Milwaukee and Horicon railroad company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

12 per cent. of gross earnings of road to be paid to state treasurer as a sinking fund.

SECTION 1. Any company or organization, by whatsoever name the same may be known, receiver, manager, superintendent, person or persons, who now are or hereafter may be using, controlling, occupying or operating the railroad heretofore built and constructed from Horicon to Berlin, under and by virtue of an act to incorporate the Milwaukee and Horicon railroad company, approved April 17th, 1852, and the several acts amendatory thereto, shall annually, on the first day of January, in each year, pay to the state treasurer of this state the sum of twelve per cent. upon the gross

earnings of said railroad, for the preceding year, to create and constitute a fund to be denominated "the sinking fund of the Milwaukee and Horicon railroad company."

Treasurer to receive fund, &c.

SECTION 2. The state treasurer of this state shall be required to receive said fund, and dispose of it as hereinafter directed.

Fund to be applied to payment of such bonds secured by "farm mortgages," as may be presented to treasurer.

SECTION 3. Any person or persons holding any bond or bonds of the Milwaukee and Horicon railroad company, accompanied by a note and real estate mortgage as collateral security thereto, commonly called "farm mortgages," which have been used and disposed of by said railroad company, may at any time hereafter, and before the first day of January, in the year one thousand eight hundred and sixty-eight, present to the state treasurer the said bond or bonds so accompanied by the said note and real estate mortgage, or notes and mortgages, as the case may be, with the interest coupons on said bonds all canceled, and the interest on the said note or notes indorsed thereon as fully paid up to the first of January, one thousand eight hundred and sixty-five; and the state treasurer shall make an entry in a book to be provided by him for that purpose, of the number, date and amount of such bond or bonds, and also of the date and amount of each of the notes and real estate mortgages accompanying such bond or bonds, and the name or names of the makers thereof.

Persons having paid bonds, entitled to benefit of fund.

SECTION 4. Whenever any person or persons who executed any note or mortgage, as collateral security to any bond or bonds of the Milwaukee and Horicon railroad company, or the heirs or assigns of any such person or persons, shall present satisfactory evidence to the state treasurer of this state that he or they have paid such bond or bonds to which such note and mortgage or notes and mortgages were collateral security, the state treasurer shall make an entry of each such bond, note and mortgage in the manner prescribed in section three of this act, and such person shall become entitled to, and the state treasurer shall make the like apportionment and payment thereon to such person or persons, their heirs or assigns, from said "sinking fund," as is provided for in section five of this act to the holders of bonds, and each such person shall be entitled and shall receive all the relief granted by this act,

the same as if he were the actual holder of the bond or bonds so paid by him.

A *pro rata* apportionment of fund to be made by the treasurer among the bonds thus presented.

SECTION 5. The state treasurer shall annually, on the first day of February, in each year, make a correct apportionment of the whole of the said "sinking fund" then in his hands, among such of the said railroad bonds as have been so presented to him and so entered by him in a book, as directed and required by sections three and four of this act, *pro rata*, according to the amount of each, and pay to the holders thereof, at the office of the said state treasurer, the amount so apportioned to each, respectively, and shall indorse the amount so paid upon each of the said bonds and upon each of the said notes so accompanying such bonds; and the said bonds and notes shall bear annual interest from the first day of January, one thousand eight hundred and sixty-five, at the rate of seven per cent. per annum; and the state treasurer shall make an annual distribution of the said "sinking fund" among the holders of the said bonds, notes and mortgages, until the whole amount of said bonds, including interest and principal, is fully paid, at which time he shall cancel said bonds and execute to the maker or makers of such note and mortgage, a certificate that such mortgage is paid and satisfied.

When bonds fully paid, treasurer to execute certificate of the fact.

Cancellation of Mortgages.

SECTION 6. The register of deeds of any county wherein any of the lands so mortgaged to the said railroad company are situated, upon the presentation to him at his office of such certificate of the state treasurer, shall cancel such mortgage of record.

If company refuse to make payment, governor to appoint receiver, &c.

SECTION 7. If any such company or organization, by whatever name the same may be known, receiver, manager, superintendent, person or persons, described in the first section of this act, shall refuse or neglect to make the payment to the state treasurer for the creation of the said "sinking fund," for the space of thirty days after the first day of January, in any year, as required by the said first section of this act, it shall be the duty of the governor of this state, and he is hereby required, to appoint a receiver for such delinquent railroad, who shall execute a bond to the people of this state in such penal sum as the governor shall direct, with such sureties as he shall approve, conditioned for the faithful performance of the duties of such receiver, and who shall be authorized and require

Receiver to execute bond, and make required contribution.

to take immediate possession of said railroad, its rolling stock, depots, offices, machine shops, and all its property necessary to and connected with its operations, and to operate the said railroad, and out of the earnings thereof to make the contributions to the said "sinking fund," as required by the first section of this act; and the surplus, after paying the current expenses of operating and necessary repairs of the said road and of its rolling stock, he shall pay over to the owner or owners of such road, or to the person or persons authorized to receive it for the time being; and he shall continue in the possession and occupancy of the said railroad until the said bonds and notes are fully paid, or until the owner or owners or operators of the said railroad or portion thereof, shall comply with the provisions of this act.

Contributions to cease when bonds shall be paid.

SECTION 8. After the full payment of the said bonds and the discharging of said notes and mortgages, as provided in this act, the annual contributions to the "sinking fund" shall cease; and if any surplus of said fund shall remain in the hands of the state treasurer, he shall pay the same over to the respective owners of said railroad, or to those authorized for the time being to receive it, and if the said railroad shall at that time be in possession of a receiver appointed under the provisions of this act, such receiver shall be discharged, and the possession of the railroad, its rolling stock, fixtures and other property delivered to the person or parties rightfully entitled to the same.

SECTION 9. This act shall be a public act, and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 333.

[*Published April* 21, 1864.]

AN ACT to revive and continue in force the charter of the Ashland and Iron Mountain railroad company.

(*See supplement to local laws.*)

CHAPTER 334.

[*Published April* 21, 1864.]

AN ACT to vacate lots six and seven, in block six, in the village of Pheasant Branch, in the county of Dane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vacated.

SECTION 1. All that portion of the plat of the village of Pheasant Branch, in the town of Middleton, county of Dane, which embraces lots six and seven, in block six, is hereby canceled and vacated, and the said lots six and seven, in said block six, are hereby vacated, and hereafter the lands upon which the said lots were laid out and platted, shall be assessed and taxed in like manner as if the same had never been laid out and platted as such lots.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 335.

[*Published April* 22, 1864.]

AN ACT to provide for the sale of lands for unpaid taxes and assessments in certain cases, and to repeal an act entitled "an act to provide for the sale of lands for unpaid taxes in certain cases," approved March 19, 1863.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of lands for taxes, in cases of injunction.

SECTION 1. In all cases where any officer has been or hereafter may be enjoined from selling any land or lands subject under any law of this state to sale for unpaid taxes or assessments, of whatever name or nature, and where such injunction shall be dissolved by order of the court, if such taxes or assessments, with interest and charges upon such land or lands, shall remain unpaid for thirty days after the dissolving of such injunction as aforesaid, such lands shall be subject to

sale for such taxes or assessments, interest and charges; and it shall be the duty of such officer, or his successor, immediately after the expiration of said thirty days, to give notice of the time and place of the sale of such land or lands, and thereupon to sell the same for such unpaid taxes or assessments, interest and charges.

Ibid, when injunction has been dissolved.

SECTION 2. In case any injunction mentioned in the preceding section, shall have been dissolved before this act takes effect, it shall be the duty of the officer enjoined, or his successor, on the first Monday of May next, to proceed to sell the lands which he was by such injunction restrained from selling for the unpaid taxes or assessments, interest and charges thereon, first giving notice of the time and place of such sale: *provided*, that if the unpaid taxes or assessments, interest and charges upon any such land shall be paid on or before the first day of April next, the same shall not be subject to sale under this act.

Laws governing sales.

SECTION 3. In giving the notices and making the sales in this act provided for, such officers shall be governed in all respects by provisions of law which may then be in force concerning sales of lands for unpaid taxes by such officer, so far as the same may be applicable.

Redemption.

SECTION 4. The effect of sales made under this act shall be the same as of other sales of lands for unpaid taxes made by such officer, and all lands sold under this act may be redeemed from such sale within the same time and in like manner as other lands sold by such officer for unpaid taxes may be redeemable, and deeds of such lands shall be given at such time and in the same manner and with the like effect as may be provided in other cases of lands sold for unpaid taxes by such officer.

Interest on taxes.

SECTION 5. Interest shall be charged upon the unpaid taxes or assessments on lands in the cases in this act provided for, to the time of sale or payment of such taxes or assessments, at the rate provided by law for interest on such taxes or assessments at the time of granting such injunction.

Repeal.

SECTION 6. Chapter eighty-one of the general laws of 1863, entitled "an act to provide for the sale of lands for unpaid taxes in certain cases," is hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 336.

[*Published April* 21, 1864.]

AN ACT relating to the fees of registers of deeds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fees of registers in certain cases.

SECTION 1. The fees of registers of deeds for any services specified in chapter one hundred and sixty-eight of the general laws of 1860, to be rendered by them, shall be as follows: For entering any copy of sheriff's certificate or writ of attachment of real estate, or certificate of sale of real estate, twenty-five cents; for notice of the pendency of any action affecting the title to real property, containing not more than twenty defendants, twenty-five cents, and twenty-five cents in addition for every additional twenty defendants.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 337.

[*Published April* 21, 1864.]

AN ACT to amend an act entitled "an act to incorporate the Milwaukee mechanics' mutual insurance company," approved February 18, 1852.

(*See supplement to local laws.*)

CHAPTER 338.

[*Published April* 21, 1864.]

AN ACT to legalize certain special town meetings of the town of Deerfield, in the county of Dane, held on the thirteenth day of January and on the eleventh day of March, 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The special town meeting of the town of Deerfield, in the county of Dane, held on the thirteenth day of January, 1864, and also the special town meeting held in the same town on the eleventh day of March, 1864, for the purpose of raising special taxes to pay bounties to volunteers into the military service of the United States, are hereby declared legal and valid for all intents and purposes for which the same were held, and all acts done in pursuance of the vote or votes of said meetings, by the officers of said town, or any of them, are hereby declared valid, the same as if the law had been fully complied with in notifying and conducting said meetings. Meetings legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 339.

[*Published April* 21, 1864.]

AN ACT to vacate an alley in Rose's addition to the city of Beaver Dam.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The alley running through block six, of Rose's addition to Beaver Dam, and running from Mary street to La Crosse street, in said addition, is hereby vacated. Vacated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 340.

[*Published April* 21, 1864.]

AN ACT to repeal section two of chapter 205 of the private and local [general] laws of 1862, entitled "an act to amend chapter 252 of the private and local laws of 1858," and to repeal chapter 116 of the general laws of 1863, entitled "an act to amend chapter 205 of the private and local [general] laws of 1862."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Repeal.

SECTION 1. That section two of chapter two hundred and five of the private and local [general] laws of 1862, entitled an act to amend chapter two hundred and fifty-two of the private and local laws of 1858, entitled an act to amend an act to incorporate the city of La Crosse, approved March 14th, 1856, May 15th, 1858, and April 4th, 1862, be and the same is hereby repealed.

Repeal.

SECTION 2. That chapter one hundred and sixteen of the general laws of 1863, entitled "an act to amend chapter two hundred and five of the private and local [general] laws of 1862, entitled 'an act to amend chapter two hundred and fifty-two of the private and local laws of 1858, entitled 'an act to amend an act to incorporate the city of La Crosse, approved March 14th, 1856,'" be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 341.

[*Published April* 22, 1864.]

AN ACT to amend section 4 of chapter 181 of the general laws of 1862, entitled "an act to suspend the sale of certain lands mortgaged to the state, held by volunteers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Provisions extended to drafted men.

SECTION 1. Section four of chapter one hundred and thirty-one of the general laws of 1862, entitled "an

act to suspend the sale of certain lands mortgaged to the state, held by volunteers," as amended by chapter two hundred and sixty-three of the general laws of 1862, is hereby amended, so as to read as follows: "Section 4. The provisions of this act are hereby extended to all persons who have been or who shall hereafter be mustered into the military service of the United States or either of the loyal states, either as a volunteer or drafted man: *provided*, it shall be made to appear to the commissioners, by the affidavit of some person of good moral character, or by certificate from the proper officer, that the person for whom the benefit of this act is claimed is in the service of the United States or either of the loyal states, and that the person claiming the benefit of this act has not sold or transferred the said lands, but is the real and *bona fide* owner thereof; *and provided, further*, that said application for relief under this act, shall be made to the commissioners aforesaid before said lands shall have been sold for non-payment of interest or principal, or in case said lands have been sold and transferred by the state, before the same shall be resold." Provisos.

Approved April 2, 1864.

CHAPTER 342.

[*Published April* 21, 1864.]

AN ACT to amend chapter four hundred and four of the private and local laws of 1857, entited "an act to incorporate the city of Prescott."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section three of chapter four of chapter four hundred and four of the private and local laws of 1857, is hereby amended, by striking out the words, "the amount fixed and provided by the laws of this state," where they occur in the twenty-ninth and thirtieth lines of said section, and inserting in place thereof the words, "one hundred dollars." Amendment.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 343.

[*Published April* 22, 1864.]

AN ACT to authorize overseers of highways to clear the public highways from snow drifts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May order out tax-payers, and put road in passable order.

SECTION 1. It is hereby made the duty of overseers of highways, at any time during the winter, when any part of the public highways, in their respective districts, are blocked up by snow drifts, so as to render the same impassable, to call out, upon one day's notice, the tax-payers of said districts, and immediately put such part or parts of said highways in passable order: *provided*, that whenever it shall be deemed impracticable by such overseer to render such part or parts of highways passable, and to keep the same in such condition, it shall be lawful for him to open a track through any field or inclosure in his district for the temporary accommodation of travel, whenever the same may be done without any material damage to the owner or owners of such inclosures, and no person using such track shall be liable therefor in any civil or criminal action.

May open track through fields.

Credit for work.

SECTION 2. Every person who shall, upon notice being given by the overseer, appear with such tools as he shall direct, and work agreeably to the directions of such overseer, shall be credited on the highway tax roll which may still be in the hands of said overseer, the amount of such labor, or any part thereof: *provided*, said person performing such labor shall have not paid the full amount of tax assessed to him on said highway tax roll. But in no case shall he receive a greater credit than he may be delinquent on said tax roll, or may be entitled to on account of such labor.

Proviso.

Tax may be levied.

The overseer shall have power to levy and assess a tax not to exceed one-fourth the amount assessed on the taxable property on the highway tax roll of the previous year, said tax to be applied to rendering the highways passable, according to the provisions of section one of this act; said tax to be collected in the same way and manner as any other highway tax.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 344.

[*Published April* 20, 1864.]

AN ACT to incorporate the La Crosse medical college.

(*See supplement to local laws.*)

CHAPTER 345.

[*Published April* 12, 1864.]

AN ACT to provide for continuing the work on the state capitol.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor, state treasurer, secretary of state, attorney general and bank comptroller, are hereby constituted a board of building commissioners, and are authorized and directed to let the contract to the lowest responsible bidder, for the completion of the south wing of the capitol, except the finishing of the basement, and the front veranda, steps and balcony, and also for the completion of the center part and rotunda up to the top of the roof of the east and west wings; the rotunda to be completed in such a manner that the work hereafter to be done in finishing the dome, shall not be interfered with thereby, and such contract shall require the full completion of the same on or before the thirty-first day of December, A. D. 1864. Commissioners authorized to let contract for building south wing.

SECTION 2. Before advertising for proposals, the commissioners and the superintending architect may make such alterations in the plans and specifications, not materially altering the original plan, as to them may seem advisable. Plans may be altered.

SECTION 3. In advertising for proposals, in making the contract, and in making payments for work under the same, the commissioners shall follow the provisions of an act entitled "an act to authorize the enlargement of the state capitol, and providing and appropriating Act applicable.

means for the payment of the same," approved February 28th, 1857, so far as the same shall be applicable; and in addition to the requirements of said act, they shall require of the contractor or contractors reasonble security for the prompt and faithful prosecution and completion of the work under such contract, within the time and according to the conditions to be specified in such contract; and they shall reserve the right and have the power, if the contractors shall neglect or abandon the work, or fail to prosecute the same with such diligence and dispatch as will reasonably secure the completion of the work in the time specified in the contract, to declare such contract abandoned and forfeited, and they shall relet the same to such other suitable person or persons as will secure the completion of the work by the time specified in such contract; and no liabilities shall exist on the part of the state for any service rendered under or upon any contract so abandoned and forfeited: *provided*, that in case it shall become necessary to relet the work, the commissioners shall relet to the lowest responsible bidder or bidders, in the same manner as is provided for in section one of this act.

Contract may be declared forfeited, &c.

Appropriation.

SECTION 4. For the payment of the work as it progresses under the contract, there shall be and hereby is appropriated out of the state treasury, a sum sufficient to defray the cost of the work authorized and provided for in the first section of this act: *provided*, that the entire cost of said work, whether included in the specifications of the architect or not, shall not exceed the sum of sixty thousand dollars.

Limit to cost.

Monthly estimates.

SECTION 5. Once in each month the superintending architect shall estimate and report to the commissioners the amount of work performed and material furnished under the contract for such enlargement, and if they approve the same, the governor shall certify eighty-five per centum thereof to the secretary of state, who shall draw his warrant on the treasurer for the same. Upon the completion of the work, under such contract, the remaining fifteen per centum shall be certified and paid in like manner.

Architect—his salary, &c.

SECTION 6. The building commissioners are hereby authorized to employ an achitect to superintend the work, whose compensation on his estimate shall be as follows: One per centum for details to larger scales, and one and one-half per centum for superintendence,

which shall be in full payment for all services performed by said architect; and the commissioners may, if in their judgment the public good requires it, discharge such architect and employ another in his place and stead, in which case the compensation of said architect for services rendered, shall be adjusted upon the same terms as are heretofore provided for the compensation of the architect, having regard to the amount of services rendered.

Architect to receive no bonus.

SECTION 7. The architect employed under this act is prohibited from receiving, directly or indirectly, any commission, bonus, reward or compensation from the contractor or contractors who may be employed in the construction of the work contemplated by this act, or of any part thereof, or from any one in the employ of or furnishing materials to such contractor or contractors.

Forfeiture.

SECTION 8. In case of violation of the foregoing section seven, the architect shall be dicharged, and he shall forfeit all claim and right to compensation for services rendered up to the time of such discharge.

Construction.

SECTION 9. This act shall not be construed so as to permit the foregoing named commissioners to let the contract herein provided for, for a larger sum than thirty-five thousand dollars, and any contract by them for any work herein specified, for a larger sum than thirty-five thousand dollars, shall have no binding force or effect upon this state.

SECTION 10. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 346.

[*Published April* 21, 1864.]

AN ACT to legalize the official acts of the assessor of the town of Buena Vista, Richland county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. That all of the official acts of the assessor of the town of Buena Vista, Richland county, and

the assessment made by him for the year 1863, are hereby legalized and made as binding and of as full force as if all the requirements of the law had been complied with.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 347.

[*Published April* 22, 1864.]

AN ACT to amend chapter 327 of the private and local laws of 1856, entitled "an act to consolidate and amend the act to incorporate the city of Watertown, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Licenses.

SECTION 1. All licenses for taverns, saloons, groceries, and for the sale of strong, spirituous, ardent or intoxicating drinks or liquors, and all other licenses except for exhibitions, shall be issued for one year, and shall expire on the first Monday of May, in each year, except in special cases the common council may issue the same for a fractional portion of a year, to expire on that day.

City marshal to be appointed.

SECTION 2. The city marshal shall be appointed by the common council, and shall hold his office during their pleasure, and in addition to his duties now provided by law, he shall perform such other duties and execute such orders as the common council shall direct.

Sidewalks may be repaired without petition therefor.

SECTION 3. The street commissioners of the several wards shall have power to cause repairs to be made to sidewalks within their respective wards without any petition or application for the same from lot owners, and may make the expense thereof chargable to the adjoining lots.

Approved April 2, 1864.

CHAPTER 348.

[*Published April* 22, 1864.]

AN ACT to vacate certain portions of the plat of the village of Fox Lake.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All that part of the northeast quarter of the northeast quarter of section thirty-five, (35,) in township thirteen, range thirteen, that is platted and known as the "first addition to the village of Fox Lake," in the county of Dodge, is hereby vacated. Vacated.

SECTION 2. All that part of section twenty-five, (25,) in township thirteen, range thirteen, lying on the south side of the Watertown road, that is platted, and known as "Barnett's addition to the village of Fox Lake," in the county of Dodge, is hereby vacated. Ibid.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 349.

[*Published April* 22, 1864.]

N ACT to provide for levying and collecting a special state tax for the year 1864, for the support of families of volunteers.

e people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There shall be levied and collected for year 1864, a special state tax of two hundred thou- d dollars, or so much thereof as the governor, sec- ary of state and state treasurer, or a majority of m, may deem necessary to be levied and collected, ich shall be placed in the war fund for the uses and poses set forth in chapter one hundred and seven- n of the general laws of 1864. $200,000 may be raised.

SECTION 2. Said tax shall be apportioned among and essed upon the several counties of this state as pro- Apportionment, &c.

vided by law; and such tax shall be levied upon the taxable property of this state, real and personal, and collected and paid into the treasury, as provided by law.

When to be apportioned.

SECTION 3. The secretary of state shall apportion said tax among the several counties of the state, as provided by law, on or before the second Monday of October next, and certify the same to the clerk of the board of supervisors of each of the several counties, as provided by law.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 350.

[*Published April* 22, 1864.]

AN ACT to change the time for holding the terms of the circuit court in the county of Marathon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Term changed.

SECTION 1. The time of holding the circuit court in the county of Marathon, in the seventh judicial circuit, is hereby changed from the last Monday in August, to the third Monday in August, in each year.

Return of writs, &c.

SECTION 2. All writs, recognizances and other proceedings made returnable to the circuit court of said county, shall be considered and deemed to be returnable to the term of said court as fixed by this act; and all continuances and notices made or taken to the terms of the circuit court for said county, shall be deemed to be made or taken to the terms of said court as the same are fixed by this act; and all motions and other proceedings noticed to be heard at the regular term of said court, shall be allowed and considered to be noticed for hearing at the regular time [term] of said court as fixed by this act.

Repeal.

SECTION 3. So much of section two of chapter one

hundred and sixteen of the revised statutes, as conflicts with the provisions of this act, is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 351.

[*Published April* 23, 1864.]

AN ACT to amend the act to incorporate the Wisconsin state telegraph company.

(*See supplement to local laws.*)

CHAPTER 352.

[*Published April* 23, 1864.]

AN ACT to provide for a tract index.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The register of deeds in each county ı this state shall, as soon as practicable after the first ay of June, A. D. 1864, procure at the expense of said ounty and keep in his office a suitable book or books, ıbstantially bound, and so ruled and arranged that op- osite to the description of each quarter section of land, ctional lot, and town, city and village lot, (which des- iptions shall be arranged in numerical order,) shall be blank space of at least forty square inches, in which shall enter in red ink the letter or letters, numeral numerals indicating the volume, and in black or blue t the class of records referred to, (designating mort- ges by the letter "M.," deeds by the letter "D.," and scellaneous by the abbreviation "Mis.,") together with page of said volume upon which each and every

Registers of deeds to procure index books.

How to be ruled, lettered, &c.

deed, mortgage or other instrument affecting the title to or incumbering the whole or any part or subdivision thereof, shall heretofore have been or may hereafter be recorded; for which services the said register shall be entitled to receive from said counties the sum of two cents for each necessary entry in said index of records, made prior to the time at which this act takes effect, and shall be entitled to demand and receive of the grantee or grantees in each instrument thereafter recorded, the sum of three cents for each entry in said index, made necessary by recording said instrument: *provided*, that in case the county board of supervisors shall, (as they are hereby authorized to do,) before the first day of June, A. D. 1864, purchase a correct and reliable abstract of title to the real estate of said county, then and in that case the register of deeds shall not make the entries herein provided for of records referred to in said abstract; *and provided, further*, that the purchase price of said abstract shall not exceed the sum to which the register of deeds would be entitled for making the necessary entries in the index herein provided for, of the records referred to in said abstract of title.

Supervisors may procure abstracts.

Proviso.

SECTION 2. The index provided for in this act, shall be open to the free inspection of all persons during reasonable business hours.

Index to be open to inspection.

SECTION 3. The provisions of this act shall not extend or apply to the register of deeds of any county which now has in the office of register deeds a general tract or numerical index of deeds, and a general tract or numerical index of mortgages of any kind, nor to any county whose county board of supervisors, or a majority thereof, shall on or before the first day of December, A. D. 1864, fail to accept and ratify the same, by ordering the register of deeds to comply with its requirements.

Application.

Approved April 2, 1864.

CHAPTER 353.

[*Published April* 28, 1864.]

AN ACT to amend section 3, chapter 121, of the session laws of 1861, entitled "of the state prison."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section three of chapter one hundred and twenty-one of the session laws of 1861, is hereby amended, so as to read as follows: "Hereafter the compensation of the following named officers and employees of the state prison, shall be as follows: The prison chaplain shall receive the sum of five hundred dollars per annum; the prison clerk, the sum of six hundred dollars per annum; the deputy warden, the sum of two dollars and fifty cents per diem; the overseer in the blacksmith shop, overseer in the cabinet shop, overseer in the finishing shop, overseer in the stone-cutting shop, and the overseer in the cooper shop, shall each receive the sum of two dollars per diem; and all other overseers and keepers in the several departments of the prison, shall each receive the sum of one dollar and fifty cents per diem, payable in quarterly payments, as now prescribed by section 6, chapter 188, of the revised statutes." Salaries of officers, &c. of state prison.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 354.

[*Published April* 28, 1864.]

AN ACT authorizing the governor to take care of the sick and wounded soldiers of Wisconsin, and appropriating money out of the treasury for that purpose.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby set apart and appropriated out of any money in the state treasury not $10,000 appropriated.

otherwise appropriated, the sum of ten thousand dollars, to be paid out and expended upon the order of the governor of the state, for the liquidation of all such claims as shall hereafter accrue by the authority of the governor, in the necessary care of the sick and wounded soldiers of Wisconsin, and for carrying such sick and wounded soldiers into this state, when the same shall be proper and necessary; and the state treasurer is hereby authorized and required to pay upon the order of the governor of the state, out of any money in the treasury not otherwise appropriated, the sum of ten thousand dollars aforesaid, or so much thereof as shall be so ordered by the governor for the purpose aforesaid, which order or orders of the governor shall be sufficient vouchers for the payment of the said sum, or so much thereof as shall be ordered to be paid out of the treasury as aforesaid, to be charged over to the war fund, and repaid to the treasury from the war fund.

Authority to treasurer.

Authority to governor.

SECTION 2. The governor of the state is hereby authorized to take such measures as he shall deem proper and necessary to care for the sick and wounded soldiers of Wisconsin, now in or hereafter to be in the service of this state or of the United States government, and for carrying such sick and wounded soldiers into this state, when the same shall be proper and necessary; and he is hereby authorized to draw his order or orders upon the state treasurer for so much money, not exceeding the sum of ten thousand dollars in all, as shall be actually necessary to pay any expense accruing by reason thereof.

Report.

SECTION 3. The governor is hereby required to make out and report to the legislature at its next session, the amounts so expended by him, and fully in what manner such money has been expended.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 355.

[*Published April* 26, 1864.]

AN ACT to abolish the office of usher, in the state prison.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The office of usher, in the state prison, is hereby abolished and prohibited. Abolished.

SECTION 2. This act shall take effect when published.

Approved April 2, 1864.

CHAPTFR 356.

[*Published April* 23, 1864.]

AN ACT to provide for the expenditure of the drainage money in Brown county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That portion of the interest of the drainage fund moneys which is due to the county of Brown for the year 1864, shall be paid over to the county treasurer of said county at the same time with the money to said county from the school fund for that year, and shall be paid out by said county treasurer only on the order of the board of supervisors of said county of Brown. When money to be paid to county treasurer.

SECTION 2. The moneys mentioned in the preceding section shall be expended on such roads as are now or may be hereafter laid out in said county, as the said board of supervisors shall deem advisable, and all the money received by said county shall be so expended during the year 1864, for the purpose aforesaid. To be expended on roads.

SECTION 3. The said board of supervisors shall have entire control and superintendence of the expediture of the moneys aforesaid, paid to the county treasurer aforesaid, and shall draw orders on the county trea- Superintendence of expenditure.

otherwise appropriated, the sum of ten thousand dollars, to be paid out and expended upon the order of the governor of the state, for the liquidation of all such claims as shall hereafter accrue by the authority of the governor, in the necessary care of the sick and wounded soldiers of Wisconsin, and for carrying such sick and wounded soldiers into this state, when the same shall be proper and necessary; and the state treasurer is hereby authorized and required to pay upon the order of the governor of the state, out of any money in the treasury not otherwise appropriated, the sum of ten thousand dollars aforesaid, or so much thereof as shall be so ordered by the governor for the purpose aforesaid, which order or orders of the governor shall be sufficient vouchers for the payment of the said sum, or so much thereof as shall be ordered to be paid out of the treasury as aforesaid, to be charged over to the war fund, and repaid to the treasury from the war fund.

Authority to treasurer.

Authority to governor.

SECTION 2. The governor of the state is hereby authorized to take such measures as he shall deem proper and necessary to care for the sick and wounded soldiers of Wisconsin, now in or hereafter to be in the service of this state or of the United States government, and for carrying such sick and wounded soldiers into this state, when the same shall be proper and necessary; and he is hereby authorized to draw his order or orders upon the state treasurer for so much money, not exceeding the sum of ten thousand dollars in all, as shall be actually necessary to pay any expense accruing by reason thereof.

Report.

SECTION 3. The governor is hereby required to make out and report to the legislature at its next session, the amounts so expended by him, and fully in what manner such money has been expended.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That portion of the interest of the drainage fund moneys which is due to the county of Brown for the year 1864, shall be paid over to the county treasurer of said county at the same time with the money to said county from the school fund for that year, and shall be paid out by said county treasurer only on the order of the board of supervisors of said county of Brown. When money to be paid to county treasurer.

SECTION 2. The moneys mentioned in the preceding section shall be expended on such roads as are now or may be hereafter laid out in said county, as the said board of supervisors shall deem advisable, and all the money received by said county shall be so expended during the year 1864, for the purpose aforesaid. To be expended on roads.

SECTION 3. The said board of supervisors shall have entire control and superintendence of the expediture of the moneys aforesaid, paid to the county treasurer aforesaid, and shall draw orders on the county trea- Superintendence of expenditure.

CHAPTER 358.

[*Published April* 28, 1864.]

AN ACT to amend the articles of association of the Milwaukee and St. Paul railway co.

(*See supplement to local laws.*)

CHAPTER 359.

[*Published April* 28, 1864.]

AN ACT relating to the satisfaction and release of mortgages by foreign executors, administrators, guardians, heirs and legatees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Satisfaction of mortgages, &c. by foreign administrators.

SECTION 1. When an executor or administrator shall be appointed in any other state or foreign country, on the estate of any person not a resident of this state at the time of his or her decease, and no executor or administrator thereon shall be appointed in this state, such foreign executor or administrator, upon filing in the probate court of any county in which any mortgage or mortgages held by the estate of such deceased person is recorded, an authenticated copy of his appointment, may execute, acknowledge and deliver, foreign executor or administrator, certificates of satisfaction or deeds of release affecting said mortgage or mortgages, on the premises covered thereby, the same as executors and administrators appointed such under the laws of this state, may now do. Such instruments shall in all respects have and be of the same effect as like instruments executed by executors or administrators appointed such under the laws of this state, and shall in all respects, in like manner with such instruments, be entitled to record, and be recorded.

Ibid. by heirs or legatees.

SECTION 2. Any heir [or] legatee of such deceased person residing out of this state, upon filing with the probate court of such county the ordinary or proper proof of his heirship and ownership of such mortgage or

mortgages, may in like manner satisfy or release such mortgage or mortgages, and the instruments affecting the same shall in like manner be entitled to record, and be recorded.

Ibid. by guardians.

SECTION 3. Any guardian appointed in any other state or foreign country, of a minor or minors holding and owning such mortgage or mortgages, upon filing in the probate court of such county an authenticated copy of his appointment as guardian, and proof of ownership of such mortgage or mortgages by said minor or minors, may in like manner satisfy or release such mortgage or mortgages, and the instruments affecting the same shall in like manner be entitled to record, and be recorded.

Construction.

SECTION 4. The terms executor, administrator, heir, legatee and guardian, importing the singular number only as used in this act, may extend and be applied to several persons of the same class, as well as to one person, and may apply as well to females as to male persons.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 360.

[*Published April* 23, 1864.]

AN ACT to authorize the borrowing of money to repel invasion, suppress insurrection, and defend the state in time of war.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Loan to amount of $350,000 may be negotiated.

SECTION 1. The governor, secretary of state and state treasurer, or a majority of them, are hereby authorized and directed, in the name and behalf of the people of this state, for the purpose of organizing and bringing into and sustaining in active service the volunteer militia, to repel invasion, suppress insurrection, or defend the state in time of war, to negotiate and contract for a loan or loans, for such sum or sums of money as they may deem necessary for the purposes indicated

by this act, not exceeding in the aggregate the sum of three hundred and fifty thousand dollars. They shall issue for the same coupon bonds, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually on the first days of January and July, in each year, at such bank in the city of New York as may from time to time be designated by the state treasurer; or they may, in their discretion, issue for the same, for such amount as the commissioners of school and univerity lands may choose to invest in this loan, certificates of indebtedness to the fund from which the moneys so invested by the said commissioner may be loaned, bearing interest at the rate of seven per cent. per annum, payable annually on the 31st day of May, in each year, at the office of the state treasurer; and the proceeds of said loan shall be paid into and constitute a part of the war fund: *provided*, that no bonds or certificates of indebtedness authorized by this act, shall be sold at less than par.

Interest—rate of, and when and where payable.

May issue certificates of indebtedness to school fund.

To be paid into war fund.

Not to be sold at less than par.

When redeemable.

SECTION 2. The bonds and certificates of indebtedness issued under the authority of this act, shall be redeemable as follows: One hundred thousand dollars in the year 1896, and one hundred thousand dollars in each succeeding year thereafter, until the whole amount shall be redeemed.

On what day.

SECTION 3. The bonds shall be redeemable on the first day of July, and the certificates of indebtedness on the 31st day of May, in each of those years.

Annual tax for payment of interest and principal.

SECTION 4. It shall be the duty of the secretary of state annually to levy such per centage of taxation on the taxable property of this state, as will be sufficient to pay the annually accruing interest on all outstanding bonds and certificates of indebtedness issued under the provisions of this act; and it shall also be the duty of the secretary of state to levy such an amount of tax on the taxable property of this state, in the years 1896, 1897, 1898 and 1899, as shall be sufficient to pay the principal of such bonds and certificates of indebtedness maturing in each of said years, in accordance with the provisons of this act.

Annual appropriation.

SECTION 5. There is hereby annually appropriated out of any money in the state treasury, a sufficient sum to pay all interest due or to become due on all bonds and certificates issued by virtue of this act, and the state treasurer is hereby authorized and directed to pay

all such interest; and if at any time there shall not be a sufficient amount of money in the treasury, realized from the special tax levied for that purpose, to pay said interest, the state treasurer shall pay the same from any money in the treasury not otherwise appropriated.

Faith of state pledged.

SECTION 6. The faith of the state is hereby pledged for the payment of principal and interest of all bonds and certificates of indebtedness which may be issued under the provisions of this act.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 361.

[*Published April* 28, 1864.]

AN ACT to authorize the borrowing of money to repel invasion, suppress insurrection, and defend the state in time of war.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Loan to amount of $300,000 may be negotiated.

SECTION 1. The governor, secretary of state and state treasurer, or a majority of them, are hereby authorized and directed, in the name and behalf of the people of this state, for the purpose of organizing and bringing into and sustaining in active service the volunteer militia, to repel invasion, suppress insurrection, or defend the state in time of war, to negotiate and contract for a loan or loans for such sum or sums of money as they may deem necessary for the purposes indicated by this act, not exceeding in the aggregate the sum of three hundred thousand dollars. They shall issue for the same certificates of indebtedness, bearing interest at a rate not exceeding seven per cent. per annum, payable at the pleasure of the state treasurer, on or before six month from the date of said certificates: *provided*, that no certificates of indebtedness authorized by this act shall be sold at less than par. The proceeds of said loan shall be paid into and constitute a part of the war fund.

May issue certificates of indebtedness therefor.

Not to be sold less than par.

To be paid into war fund.

Tax for interest.

SECTION 2. It shall be the duty of the secretary of state to levy such per centage of taxation on the tax-

able property of this state, in the year 1864, as shall be sufficient to pay the principal and accruing interest on all certificates of indebtedness issued under authority of this act.

Annual appropriation.

SECTION 3. There is hereby appropriated out of any money in the state treasury, a sufficient sum to pay the principal and interest of said certificates of indebtedness whenever the same may become due and payable; and if there shall not be a sufficient amount of money in the treasury realized from the special tax levied for that purpose, to pay said principal and interest, the state treasurer shall pay the same from any money in the treasury not otherwise appropriated.

Faith of state pledged.

SECTION 4. The faith of the state is hereby pledged for the payment of principal and interest of all certificates of indebtedness which may be issued under the provisions of this act.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 362.

[*Published April* 28, 1864.]

AN ACT in relation to suits and proceedings by and against joint stock companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Process may be served on president.

SECTION 1. Any joint stock company or association doing business in this state, consisting of seven or more shareholders or associates, may sue and shall be sued in the name of the president of such joint stock company or association for the time being, and all suits and proceedings so prosecuted by or against such joint stock company or association, and the service of all process or papers in such suits and proceedings on the president for the time being of such company or association, shall have the same force and effect, as regards the joint rights, property and effects of such joint stock company or association, as if such suits and proceed-

ings were prosecuted in the names of all the shareholders or associates, in the manner now provided by law.

SECTION 2. After judgment shall be recovered against any such joint stock company or association, as above provided, and execution thereon shall be returned unsatisfied in whole or in part, suits may be brought against any or all of the shareholders or associates, individually, as now provided by law, but no more than one suit shall be brought and maintained against such shareholders or associates at any one time, nor until the same shall have been determined, and execution issued and returned unsatisfied in whole or in part. The death, removal, resignation of officers or shareholders, or sale or transfer of stock, shall not work a dissolution of any such joint stock company or association as against the parties suing or being sued, as herein provided, or as against any creditor or person having any demand against such joint stock company or association at the time of such death, removal, resignation, sale or transfer.

But one suit to be brought against shareholder at any one time.

Death, &c. not to work dissolution.

SECTION 3. No suit or proceeding so commenced, shall abate by reason of the death, removal or resignation of such president of such joint stock company or association, or the death or legal incapacity of any shareholder or associate during the pendency of such suit or proceeding, but the same may be continued by or against the successor of such president.

Ibid. not to abate suit.

SECTION 4. The president of any such joint stock company or association shall not be individually liable, by reason of any suit or proceeding prosecuted as above provided, by or against him as the nominal plaintiff or defendant therein: *provided*, that such president shall not be exempted from any liability to which he may be otherwise legally subject, as a stockholder or shareholder in such joint stock company or association.

When not individually liable.

SECTION 5. Nothing herein contained shall be construed to confer upon any joint stock company or association mentioned in the first section of this act, any of the rights or privileges of corporations, except as herein specifically provided.

Construction.

SECTION 6. In any suit or proceeding against any such joint stock company or association, as above provided, if such president cannot be found within this state, then all process and papers in such suit or proceeding may be served upon such joint stock company

Process may be served on agent.

or association, by delivering the same to any authorized agent of such joint stock company or association, personally, in this state, with the same force and effect as if served upon such president personally.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 363.

[*Published April 23, 1864.*]

AN ACT to amend chapter 167 of the private and local laws of 1858, entitled "an act to incorporate the village of Fox Lake."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sec. 1 amended. SECTION 1. Section one of chapter one hundred and sixty-seven of the private and local laws of 1858, entitled "an act to incorporate the village of Fox Lake," is hereby amended, by inserting the following after the ninth line of said section: "And the following described tract of land, commencing at the center of Hamilton street, on the west line of Elizabeth street, of the plat of the village of Waushara, running thence due north twenty-eight (28) rods, thence due west on a line parallel with Hamilton street to the channel of the outlet of Fox Lake, and thence south along the channel of the outlet to Hamilton street."

Sec. 23 amended. SECTION 2. Section twenty-three of said chapter 167 is hereby amended, by striking out the word, "assessor," in the twelfth and thirteenth lines of said section.

Sec. 25 amended. SECTION 3. Amend section twenty-five of said chapter one hundred and sixty-seven, by adding thereto the following: "Whenever the street commissioner shall report to the trustees that any sidewalk in said village needs repairing, the trustees may authorize such repairs as they deem necessary to be made, by giving notice in the same manner as is described in the preceding section, and subject to the same con-

ditions, in case of default, as prescribed in the preceding section."

SECTION 4. Section thirty-six of said chapter one hundred and sixty-seven, is hereby repealed. Sec. 36 amended.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 364.

[*Published April* 23, 1864.]

AN ACT to amend an act entitled "an act to incorporate the Milwaukee and Beloit railroad company," approved March 29, 1855.

(*See supplement to local laws.*)

CHAPTER 365.

[*Published April* 23, 1864.]

AN ACT to incorporate the Sturgeon Bay and Lake Michigan ship canal and harbor company.

(*See supplement to local laws.*)

CHAPTER 366.

[*Published April* 23, 1864.]

AN ACT to legalize the official acts of the board of supervisors of the town of Manitowoc Rapids, in the county of Manitowoc, in levying and collecting a tax to pay bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The special tax ordered to be levied and collected in the town of Manitowoc Rapids, in the Proceedings and tax legalized.

county of Manitowoc, on the 29th day of February, 1864, for the purpose of raising funds to pay bounties to volunteers, and all the official acts of the board of supervisors and treasurer of said town in connection therewith, and the action of said board of supervisors in extending the time for the collection of said tax to the second day of May, 1864, is and are hereby declared to be legal and valid, notwithstanding all requirements of the law may not have been complied with.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 367.

[*Published April* 26, 1864.]

AN ACT to repeal section twenty-one of chapter three hundred and ninety-five of the general laws of 1862, relating to the time in which actions may be commenced against the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Section twenty-one of chapter three hundred and ninety-five of the private and local [general] laws of 1862, entitled "an act to amend an act entitled 'an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof,'" is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 368.

[*Published April* 23, 1864.]

AN ACT to authorize the Fort Winnebago and Duck Creek plank-road company to gravel their plankroad.

(*See supplement to local laws.*)

CHAPTER 369.

[*Published April* 25, 1864.]

AN ACT to provide for the laying out a state road in the counties of Richland and Grant.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. John D. Furston, Henry Collins and R. M. Miller are hereby appointed and empowered as commissioners on the part of the county of Richland, to lay out and open a state road from the village of Richland Center, in Richland county, commencing at the west end of Seminary street, in the village of Richland Center, in said county; running thence in a westerly direction, on the most practicable ground, to a point eighty rods south of the northeast corner of section twenty-five, town ten north, of range one west; thence south to a point where it will strike the main valley of Ash creek, at or near the head of said valley; thence running down said valley to a ravine coming into the same from the west, said ravine being on section thirty-six in said last mentioned town; thence running up said ravine and across the ridge to the Black River Falls state road, to a point at or near the head of Hoosier valley; running from thence in a westerly direction, on the most practicable ground, to a point in the vicinity and south of David John's dwelling house, in the town of Eagle, in said county, and in Mill creek valley; thence running in a southwesterly direction, on the most practicable route, to the village of Port Andrew, in the town of Richwood, in said county; thence Commissioners.

across the Wisconsin river at or near a point on said river known as Andrews' ferry; thence on the nearest and best route to the village of Boscobel, in Grant county, in said state: *provided*, that the said state road may be laid on any highways already laid out and opened, in all cases where the interests of the public and the utility of said road can be secured thereby.

May be laid on roads already laid out.

Duty of commissioners.

SECTION 2. The above named. commissioners, or a majority of them, shall within ninety days after the passage of this act, proceed to lay out said road as herein directed, and to complete the laying out of the same; and the said road, when so laid out shall be recognized by the several towns through which it runs, and included in the organization of their highway or road districts, the same as other roads heretofore districted and worked as public highways.

Compensation.

SECTION 3. The said commissioners shall receive such compensation for the time and services actually spent in laying out said road as may be allowed by the county boards of supervisors of the counties through which said roads shall be laid, and no part of the expense thereof shall be paid by the state.

SECTION 4. This act shall be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 370.

[*Published April 25, 1864.*]

AN ACT to incorporate the Dartford town hall association.

(*See supplement to local laws.*)

CHAPTER 371.

[*Published April* 7, 1864.]

AN ACT to amend the charter of the Tomah and Lake Saint Croix railroad company.

(*See supplement to local laws.*)

CHAPTER 372.

[*Published April* 25, 1864.]

AN ACT to authorize the city of La Crosse to aid in the construction of railroads.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of La Crosse shall have power to submit to the tax payers, who are legal voters, residents of said city, the question whether said city shall issue bonds as hereinafter provided, to aid in the building and construction of a railroad or railroads already built and constructed, or which may hereafter be built and constructed, in the state of Minnesota, terminating on the west bank of the Mississippi river, opposite said city, or upon any of the islands adjacent thereto, or any railroad or railroads in the state of Wisconsin, running to or passing through said city, by giving at least three weeks' notice of the time and place of deciding said question, to be published in a public newspaper printed and published in the English language, and having a general circulation in said city, and stating in said notice the amount of said bonds, not, however, to exceed the sum of fifty thousand dollars. The question shall be decided by ballot, those voting in favor of issuing bonds voting "for issuing bonds," and those opposed thereto voting "against issuing bonds." If a majority of the votes cast on said question be in favor of issuing bonds, then said common council may, in the discretion of said council, by resolution entered upon the records of said council,

Council may submit question of aid to railroads to vote of tax payers.

Form of ballots, &c.

If vote favorable, council may issue bonds.

issue said bonds under the seal of said corporation, signed by the mayor of said city and countersigned by the clerk thereof.

When bonds payable, rate of interest, tax for interest and principal, &c.

SECTION 2. If said vote shall be in favor of issuing said bonds, said common council shall have power to issue the same, if in their discretion they shall deem it advisable so to do, payable in not less than five years, nor more than fifteen years from the date thereof, with coupons attached, drawing interest at a rate not to exceed seven per cent. per annum, payable semi-annually, and at such place or places as said council may deem expedient, and shall have power to lay a special tax on all property taxable in said city, to pay said bonds and the interest which may accrue thereon, and to create a sinking fund for that purpose, and to collect such special tax at such times and in such amounts, annually, as shall be necessary and expedient, in the opinion of the council; but said council shall not in any event have power to dispose of said bonds, nor any of them, for a sum less than the face thereof, together with the interest which may have accrued thereon at the time of the sale thereof, and the same shall be sold for cash only.

Bonds not to be sold at less than par.

Construction.

SECTION 3. Persons paying or being liable to pay a poll tax or dog tax only, shall not be considered a tax payer within the meaning of this act.

Repeal.

SECTION 4. All acts and parts of acts inconsistent with this act, for the purposes of this act only, are hereby repealed, and this act shall take effect and be in force from and after it passage and publication.

Approved April 2, 1864.

CHAPTER 373.

[*Published April* 25, 1864.]

AN ACT for the relief of Platteville academy.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Interest remitted.

SECTION 1. The commissioners of school and university lands are hereby authorized and directed to remit the interest due the state for the years 1864 and 1865,

upon a loan from the drainage fund to the trustees of Platteville academy, in the county of Grant.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 374.

[*Published April* 25, 1864.]

AN ACT authorizing the assessment and collection of taxes on the improvements on lands entered under the act of congress, entitled "an act to secure homesteads to actual settlers on the public domain."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The improvements on all lands situated in this state, which have been or may hereafter be entered under the provisions of the act of congress, entitled "an act to secure homesteads to actual settlers on the public domain," approved May 20th, 1862, and which shall be actually occupied and improved by the person so entering the same, or his heirs, shall hereafter be subject to taxation, and the valuation of such improvements shall be assessed as personal property. All taxes levied thereon shall be collected out of the personal property of the occupants of such lands, and in no other manner. Subject to taxation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 375.

[*Published April 28, 1864.*]

AN ACT to vacate a part of the village plat of the village of Burlington.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Public square vacated.

SECTION 1. All that part of the village plat of the village of Burlington, known as the public square, located on the northeast quarter of section thirty-two, town three north, in range nineteen east, platted and recorded by Silas Peck, is hereby annulled and vacated, and hereafter the land upon which said public square was laid out and platted, shall be assessed and taxed in like manner as if the same had never been laid out and platted as such public square.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 376.

[*Published April 25, 1864.*]

AN ACT to amend chapter three hundred and ten of the general laws of 1860, entitled "an act to lay out a state road from Wausau to the state line north, and to make an appropriation therefor."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section (5) five of chapter three hundred and ten of the general laws of 1860, is hereby amended, by striking out the words, "for the term of five years," in the thirteenth line of said section; also, the words, "for the term of five years," in the 16th line of said section.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 377.

[*Published April* 4, 1864.]

AN ACT to amend chapter seventy-two of the private and local laws of 1858, entitled "an act to incorporate the city of Ripon, and the several acts amendatory thereto."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The justices of the peace in said city of Ripon shall hereafter be elected by general ticket, the same as mayor is now elected. Justices to be elected on general ticket.

SECTION 2. The aldermen of each ward shall be the inspectors of elections in such ward. Inspectors.

SECTION 3. All of said chapter seventy-two and of the several acts amendatory thereto, conflicting with the provisions of this act, are hereby repealed. Repeal.

SECTION 4. This act shall take effect from and after its passage.

Approved April 2, 1864.

CHAPTER 378.

[*Published April* 23, 1864.]

AN ACT to amend an act entitled "an act to incorporate the city of La Crosse," approved March 14, 1856.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter eight of the act entitled "an act to incorporate the city of La Crosse," approved March 14, 1856, is hereby amended, by striking out the words, "fire wardens," where the same occur, and inserting in lieu thereof the words, "fire marshal." Fire marshal.

SECTION 2. Section five of said chapter is hereby amended, by striking out the words, "At the same time the members of said company shall nominate and the common council shall appoint the same, three fire wardens, one of whom shall reside in each ward," and insert- His appointment.

ing in lieu thereof the words, "At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect one fire marshal for one year," and by striking out the word, "they," where it occurs in said section, and inserting in lieu thereof the word, "he."

Amendment.

SECTION 3. Section seven of said chapter is hereby amended, by striking out the words, "fire warden," where the same occur in said section, and inserting in lieu thereof the words, "fire marshal."

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 379.

[*Published April* 25, 1864.]

AN ACT relating to the public schools of the city of Oshkosh, and amendatory of chapter one hundred and sixty-four of the private and local laws of 1860, as amended by chapter one hundred and ninety-nine of the laws of 1863.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Compensation of superintendent.

SECTION 1. Section two of said chapter one hundred and sixty-four, is hereby amended, so as to read as follows: "The compensation of the superintendent and the clerk of the board of education, shall be paid out of the school fund, and shall not exceed, for each, the sum of one hundred dollars per annum."

Contracts with teachers.

SECTION 2. Section six of said chapter one hundred sixty-four is hereby amended, so as to read as follows: "No contracts for the employment of teachers shall extend beyond the second Monday of July next succeeding the date of such contracts."

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 380.

[*Published April* 25, 1864.]

AN ACT to empower the town of Caledonia, in the county of Trempealeau, to levy a tax for the payment of bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May vote tax to pay bounties to volunteers.

SECTION 1. The qualified electors of the town of Caledonia, in the county of Trempealeau, shall have power, at any legal meeting thereof, to vote to raise such sum or sums of money as they may deem necessary, for the payment of bounties to volunteers who have been mustered into the service of the United States or of this state, and credited to said town, which have been heretofore pledged to such volunteers, or which have been paid or advanced, for the discharge of any liabilities incurred by any person or persons for or on account of any bounties pledged or paid to such volunteers.

Payment of bounty demands.

SECTION 2. In case the qualified electors of said town shall vote to raise any sum or sums of money in accordance with the provisions of section one of this act, the board of supervisors of said town are hereby authorized and empowered to audit all claims and demands of all persons for money paid or liabilities incurred for or on account of such bounties, and to draw orders on the town treasury of said town for the payment of all sums so audited and allowed by them, to be paid out of the money voted or raised under the provisions of this act.

Collection of tax.

SECTION 3. All moneys voted to be raised by virtue of the provisions of this act, shall be assessed and collected in the same manner as other town taxes are assessed and collected.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 381.

[*Published April 28, 1854.*]

AN ACT to incorporate the Green Bay seminary.

(*See supplement to local laws.*)

CHAPTER 382.

[*Published April 26, 1854.*]

AN ACT to incorporate the Wisconsin immigration company.

(*See supplement to local laws.*)

CHAPTER 383.

[*Published April 26, 1854.*]

AN ACT granting the right to keep and maintain a ferry across the Mississippi river, in Grant county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to build ferry.

SECTION 1. Horace Smead, Chauncey Jerome Cummings, their assigns and legal representatives, in perpetual succession, shall have the exclusive right and privilege of keeping and maintaining a ferry across the Mississippi river, on section No. twenty-nine, (29,) township No. one (1) north, of range No. two (2) west of the fourth principal meridian, in Grant county; and no ferry shall be kept or maintained within one mile above said section.

Rates of toll.

SECTION 2. Such ferry shall be subject to the same regulations as shall or may be provided by law, and the rates of toll shall be from time to time determined by the board of supervisors of the county in which said ferry shall be situated, in the manner prescribed by law.

SECTION 3. All laws, acts or parts of acts inconsistent with the provisions of this act, are hereby repealed. Repeal.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 384.

[*Published April 26, 1864.*]

AN ACT to authorize the construction of a free bridge across the Chippewa river, in the county of Chippewa.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The supervisors of the county of Chippewa are hereby authorized and empowered to levy and collect a tax on the assessed property in said county, not to exceed twelve thousand dollars, for the purpose of building and maintaining a free bridge across the Chippewa river, at the town of Chippewa Falls, in the said county, at a point to be fixed upon by the commissioners hereinafter named, which said tax shall be levied and collected in the same manner as is now provided by law for the levying and collecting town and county taxes. That T. C. Pound, A. K. Gregg and F. H. Bussey are hereby named as commissioners to fix the site for the building of the said bridge, and to procure releases for the lands on both sides of the said river, necessary for the use of said bridge. Tax of $12,000 authorized. Commissioners.

SECTION 2. Said bridge shall not be less than sixteen feet wide, and shall be so constructed as to give free passage at all times to rafts coming down the said river, and to all keel boats or flat boats or other boats or vessels running up and down said river, without any hindrance or delay, and the said county shall be liable in an action for damages or injuries, detentions or delays sustained by any person or persons by reason or on account of the said bridge, to be recovered in any court having competent jurisdiction. How bridge to be built.

Penalty.

SECTION 3. Any person or persons committing any injury or doing damage to said bridge, shall be liable to said county for the amount of injury done, and all damages sustained may be sued for and collected in the name of the supervisors of the county of Chippewa, before any court having competent jurisdiction thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 385.

[*Published April* 25, 1864.]

AN ACT to legalize a public highway in the town of Red Cedar, in Dunn county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The acts of the supervisors of Red Cedar, in Dunn county, on the fifteenth day of July, A. D. 1861, in laying out a highway in said town, described as follows: "The center line of said highway commencing at the quarter post between sections fifteen and twenty-two, town twenty-eight, range twelve west, running thence due west on the section lines between sections sixteen and twenty-one, and sections seventeen and twenty, to the quarter post between sections eighteen and nineteen, intersecting with a highway running north and south," are hereby legalized and declared to be valid, and the said highway is hereby declared to be a legal highway.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 386.

[*Published April* 25, 1864.]

AN ACT for the relief of the Calumet county agricultural society.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Calumet county agricultural society is hereby declared to be entitled to the annual appropriation for the year 1863, as provided in section four of chapter fifty-three of the general laws of the year 1858, the same and as fully as if the said society had fully complied with the provisions of law in making and publishing their annual report for said year; and the secretary of state is hereby authorized and directed to issue an order on the state treasurer, directing him to pay to the said Calumet agricultural society the sum of one hundred dollars: *provided, however*, the said society shall, before receiving said appropriation, establish by proper proof, to the satisfaction of the secretary of state, the fact that a county fair was held in each of said years in the said county of Calumet. When order may be issued in favor of. Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 387.

[*Published April* 25, 1864.]

AN ACT to vacate a plat of certain lands lying in the county of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The plat of ground known as Cahn's subdivision of lots one and two, in the east half of the southwest quarter of section nine, town seven, range twenty-two east, is hereby vacated. Vacated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1864.

CHAPTER 388.

[*Published April 25, 1864.*]

AN ACT to authorize W. F. Prindle to keep and maintain a [illegible] across the Chippewa river, in this state.

(*See supplement to local laws.*)

CHAPTER 389.

[*Published April 25, 1864.*]

AN ACT to authorize the construction of a dam across the Pecatonica river, in La Fayette county.

(*See supplement to local laws.*)

CHAPTER 390.

[*Published April 25, 1864.*]

AN ACT to amend chapter 79 of the revised statutes, entitled "of railroads."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Grain to be carried to elevator, warehouse or mill by railroads, when thus directed.

SECTION 1. Chapter seventy-nine of the revised statutes, entitled "of railroads," is hereby amended, as follows: "It shall be and is hereby made the duty of every railroad company operating and running their road within this state, to receive for shipment and transportation any and all grain that shall be offered to such company, their authorized agents, servants or employees, for transportation over their road to make and deliver, for such grain consigned to any consignee or consignees, the usual bill of lading to the shipper or consignor thereof, to transport and carry all such grain over their said road, at the rate of charges adopted by

such company and then in force, to such elevator, warehouse or mill as the same may be directed or shipped to by the shipper or consignor of such property, and to deliver such grain to the actual consignee or consignees thereof at such warehouse or place of storage as may be designated as the place of delivery thereof by such consignee or consignees: *provided*, the same can be so delivered to him or them at any elevator, warehouse or mill by any track connecting therewith at any distance not greater than one-half mile therefrom, by whomsoever laid or owned over which such company has or shall have the right or privilege to run their cars; and in no case shall any railroad company make any increased or additional charge for the transportation of such grain as it may be obliged to deliver to the consignee or consignees thereof except in cases where such company is required to pay for the use of such track, and in all such cases, no additional or increased charge shall exceed the sum so actually required to be paid by the company for the right and privilege to run their cars over such track."

Penalty.

Proviso.

SECTION 2. It shall be lawful for the owner or owners of any elevator, warehouse or mill at any station on the line or at the termination of any railroad in this state, to construct from such elevator, warehouse or mill, a railroad track to the track of any railroad company, and to connect with the same by switch at his or their own expense, and it shall be the duty of any such railroad company to permit and allow such connection. Such side track and switch shall at all times be under the control and management of and kept in repair by such railroad company: *provided*, that the party for whose benefit such side track and switch shall be constructed, shall pay to such railroad company the actual cost of maintaining and operating such side track and switch, which payment shall be made monthly; and in case such payment shall not be made as above provided, then and in that case the obligations of this section upon said railroad companies shall, thereafter cease and be inoperative as against them, until such costs and expenses are fully paid.

Owner of elevator, &c. to build side track to railroad.

Track to be constructed by railroad, and owner of elevator, &c. to pay for operating it.

Tax for school purposes.

SECTION 3. This act shall be deemed and taken to be an amendment to each and every railroad charter or grant in this state, made pursuant to the right of amendment reserved in the constitution.

Charters amended.

Penalty.

SECTION 4. In case any railroad company or their agents, servants or employees shall neglect or refuse to comply with any or either of the provisions of this act, such railroad company shall for each and every such violation or refusal, forfeit and pay the sum of fifty (50) dollars, such penalty to be collected as other fines and penalties are collected, and to be paid over, one half to the person in whose name the action is brought, and the balance to be paid into the county treasury of the county where such action is prosecuted, for the benefit of the school fund; and in addition thereto, shall pay to the person aggrieved such damages as he may sustain.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 391.

[*Published April* 26, 1864.]

AN ACT to amend an act entitled "an act to consolidate the several school districts in the city of Fond du Lac."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Annual meeting.

SECTION 1. Section eight of chapter forty-one of the private and local laws of eighteen hundred and forty-nine is hereby amended, so as to read as follows: "On the third Monday of June, in each year, there shall be an annual meeting of the district held at such time and place as the school board shall appoint, notice of which shall be given by publishing the same in each of the newspapers printed in said city, at least one week before the time appointed for holding such meeting, which shall specify all the particular objects for which it is to be held; and it shall be lawful for the voters of said district, then and there assembled, to determine by their votes what amount of taxes shall be levied in said district for school purposes, excepting the provisions of section seventeen, for the ensuing year, and in the same manner determine all questions relative to the affairs

Tax for school purposes.

of said district, which may have been specified in said notice."

SECTION 2. Section ten of said act is hereby amended, so as to read as follows: "The said board is hereby authorized to appoint a district clerk and a librarian. It shall be the duty of the clerk, under the direction of the board, to keep a record of the proceedings of the board, in a book to be provided for that purpose. He shall also enter therein, or in a book especially provided for that purpose, copies of all official reports made by the board or by the superintendent to the clerk of the board of supervisors of Fond du Lac county, in accordance with the laws of this state, or the requirements of the state superintendent. He shall also be clerk of all district meetings, if practicable to attend the same. It shall also be his duty, under the direction of the board, to take the annual enumeration of the scholars residing in the district, at the time prescribed by law. He shall keep and preserve all records, books and papers, or other property belonging to his office, and deliver the same to his successor in office. He shall receive for his services such compensation as the board may allow. The librarian shall in all respects be subject to the directions and rules of the board, who may allow such compensation for services rendered as to them seem just and proper." Clerk and librarian—their duties.

SECTION 3. Section sixteen of said act is hereby amended, so as to read as follows: "All work or labor to be done for said school district, (except teaching,) and all materials to be procured for the use of the same, that is of such a nature as to admit of it, shall be done and procured by contract, and let to the lowest and best bidder, for which the board shall advertise and receive proposals in a public manner, and no member of said board shall, either directly or indirectly, have any pecuniary interest in any such contract: *provided*, that after having advertised as therein required, if no proposals shall have been received, or if those received shall not be satisfactory, then the board shall be and is hereby authorized to procure such labor or materials in such other manner as they shall deem for the best interest of the district." Work to be let by contract.

SECTION 4. Section twenty-eight of said act is hereby amended, so as to read as follows: "For the purpose of building any school house or houses, or for the May borrow money to build school house, &c.

purchase of any site or sites therefor, the said board, on first obtaining a vote of the district at any annual meeting, shall have authority to borrow a sum of money not exceeding in the whole the sum of fifteen thousand dollars, including any sum that has been raised, (if any,) for such purpose, at a rate of interest not exceeding eight per cent. per annum, for a period of time not exceeding ten years, and to secure the payment of which they may execute, in their corporate capacity, such notes, bonds, mortgages, trust deeds or other evidences of indebtedness, based upon the school property of the district, as well as that which the district may possess at the time the indebtedness is incurred as that which will be acquired with the money thus borrowed, as shall to them seem most beneficial to the district; and if any such indebtedness shall be authorized by any such district meeting, and consummated by the board, then in that case it shall be the duty of said board to levy annually a tax on the taxable property of the district to pay the interest on such loan, and also to levy a tax or taxes on the property of said district to pay the principal as it shall become due by the terms and conditions of their contracts.

Clerk and librarian—their duties.

Repeal.

SECTION 5. All provisions of said act conflicting with the provisions of this act, are hereby repealed.

Work to be let by contract.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 392.

[Published April 26, 1864.]

AN ACT to prevent persons discharging firearms upon or near a certain bridge across the Catfish river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty.

SECTION 1. Every person who shall discharge any rifle, gun, fowling-piece, pistol or other firearms upon or within five rods of the bridge across the Catfish river, near the outlet of Third lake, on section twenty, in

township seven north, of range ten east, in the county of Dane, is hereby declared guilty of a misdemeanor, meanor, and the offender, upon conviction thereof, shall, for the first offense, be punished by fine not less than ten nor more than twenty dollars, and for the second offense a like fine, and imprisonment in the Dane county jail not less than ten nor more than thirty days.

SECTION 2. Any justice of the peace of the county of Dane shall have jurisdiction of the offense created by this act, but the accused may have the right of appeal, as in other cases. Jurisdiction.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 393.

[*Published April* 26, 1864.]

AN ACT relating to the issuing of injunctions and writs of attachment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It was the true intent and meaning of section three of chapter one hundred and twenty-nine of the revised statutes, relating to injunctions, and of section three of chapter one hundred and one of the general laws of 1859, relating to writs of attachment, that the injunctional order or writ of attachment, as the case might be, when granted or issued as a provisional remedy, might issue at the time of the issuing of the summons in the action. Writs of attachment may issue at time of issuing summons.

SECTION 2. Section three of chapter one hundred and one of the general laws of 1859, entitled "an act to amend chapter one hundred and thirty of the revised statutes, relating to proceedings against debtors by attachment," is hereby amended, so as to read as follows: "Section 3. The allowance of such writ of attachment by a judge or court commissioner or other officer, shall not be necessary, but such writ may be issued by the clerk of the court, either at the time of the issuing of Clerk may issue writ.

the summons in the action, or at any time thereafter before final judgment, and shall be attested in the name of the presiding judge of the court from which the same shall issue, and sealed with the seal of the court."

Injunction may be granted at time of issuing summons.

SECTION 3. Section three of chapter one hundred and twenty-nine of the revised statutes, entitled "of injunctions and writs of *ne exeat*, and of receivers," is hereby amended, so as to read as follows: "Section 3. The injunction may be granted at the time of the issuing of the summons in the action, or at any time afterward before judgment, upon its appearing satisfactorily to the court or judge, or court commissioner, by the affidavit of the plaintiff or any other person, that sufficient grounds exist therefor. A copy of the affidavit must be served with the injunction."

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 394.

[*Published April 26, 1864.*]

AN ACT to amend chapter one hundred and sixty-six of the general laws of 1864, entitled "an act to encourage the formation of corporations for mining, smelting or manufacturing iron, copper, quicksilver or other ores or minerals, and for other manufacturing purposes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Provisions applicable to lead ore.

SECTION 1. Chapter one hundred and sixty-six of the general laws of 1864, entitled "an act to encourage the formation of corporations for mining, smelting or manufacturing iron, copper, lead, quicksilver or other ores or minerals, and for other manufacturing purposes," is hereby applied in all respects to lead ore.

Tax on lead mining companies.

SECTION 2. All corporations formed under the provisions of said chapter one hundred and sixty-six, for the purpose of mining and manufacturing lead, shall pay into the state treasury a tax of twenty-five cents per ton thereon, to be paid at the same time and in the same manner and under the same restrictions as

other taxes are required to be paid by section twenty-one of said chapter one hundred and sixty-six.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 895.

[*Published April 25, 1864.*]

AN ACT to authorize the city of Oshkosh to issue bonds for purposes herein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Oshkosh are hereby authorized to erect a draw or turn bridge across Fox river, from a point at or near the foot (south end) of Ferry street, in said city, to some convenient point on the south side of said Fox river, so as to strike at or near the north end of Kansas street, in the third ward of said city.

City may erect bridge across Fox river.

SECTION 2. The common council of the city of Oshkosh shall have power to submit to the qualified electors of said city, the question whether said city shall issue bonds as hereinafter provided to build the bridge mentioned in the preceding section of this act, by giving at least three weeks' public notice of the time and place or places of voting upon the said question, in a public newspaper printed and published in said city, in the English language, and stating in such notice the amount of said bonds, which are not to exceed the sum of fifteen thousand dollars. The question shall be decided by ballot, those in favor of issuing bonds casting a ballot upon which shall be printed or written the words, "for issuing bridge bonds," and those opposed to issuing bonds, by casting a ballot upon which shall be written or printed the words, "against issuing bridge bonds." Such question may be submitted at any general election, or at a special election held for that purpose, and said votes shall be returned and canvassed in the same manner as at other city elections.

Question to be submitted to vote.

Form of ballots, &c.

If vote favorable, council may issue bonds to amount of $15,000.

SECTION 3. If it shall be found that a majority of all the votes cast upon said question be "for issuing bonds," then the common council of said city of Oshkosh shall have power to issue said bonds, under the seal of said corporation, signed by the mayor and countersigned by the clerk of said city, payable in not less than three years and not more than fifteen years from the date thereof, with coupons attached drawing interest at a rate not to exceed seven per cent. per annum, payable semi-annually, and at such place or places as said common council may deem expedient; and shall have power to levy and collect a special tax on the taxable property of said city, and to enforce the collection of said tax in the same manner as other taxes are collected by law in said city, to pay the interest on said bonds, and also the principal when the same may become due, and also to create a sinking fund for that purpose, and to collect such special tax at such times and in such amounts annually as shall be necessary and expedient in the opinion of the common council: *provided*, said common council shall not in any case have power to sell or dispose of said bonds nor any part of them for a sum less than the face, together with the interest which may have accrued thereon at the time of the said sale.

Tax for interest and principal.

Bonds to be sold at not less than par.

Question of school building may be submitted to vote.

If vote favorable, council may issue bonds to amount of $12,000.

SECTION 4. The common council of the city of Oshkosh shall also have power at the same or at any other time, to submit to the qualified electors of said city, the question whether said city shall issue bonds to build a building for a high school in said city, by giving notice in the same manner as is provided in section two (2) of this act, stating in said notice the amount of said bonds, not to exceed the sum of twelve thousand dollars; and the voting on such question shall be conducted in the same manner as is provided in section two (2) of this act; and if a majority of all the votes cast on said question shall be "for issuing school bonds," then the common council aforesaid shall have power to issue said bonds and sell the same, as is provided in section three (3) of this act. The avails of said bonds shall be placed in the treasury of said city, to be kept as a special fund for the purposes mentioned in this section, and may be drawn out by the "board of education" in the same manner as school money is drawn out for school purposes.

Petition for election on bridge question.

Whenever twenty or more freeholders and qualified electors of said city, shall petition the common council of said city to submit the question of issuing bonds mentioned in section three (3) or four (4) of this act, and shall have filed such petition with the city clerk of said city, then the common council of said city shall at their next meeting take the necessary steps required by the provisions of this act to submit such question to the qualified electors of said city. But this section shall not be construed as to prohibit said common council from submitting such question without such petition.

Construction.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1864.

CHAPTER 396.

[Published April 20, 1864.]

AN ACT in relation to the Milwaukee hospital.

Preamble.

WHEREAS, The Rev. W. A. Passavant, by the aid of sundry charitable persons, has established a hospital known as the "Milwaukee hospital," in the city of Milwaukee, Wisconsin, in order that the suffering and sick might be cared for and relieved in a becoming and christian manner, without distinction of creed, country or color, and has placed the same under the more immediate supervision and control of "the institution of Protestant deaconesses," an association duly incorporated by the legislature of Pennsylvania, and authorized to establish and conduct hospitals and other institutions of mercy in the United [States]—it is enacted:

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Transfer of property authorized.

SECTION 1. That the said Reverend W. A. Passavant is hereby authorized and empowered to assign, convey and transfer to the aforesaid corporation, all property, real, personal and mixed, which may be hereafter held by him in trust for the purposes of said hospi-

tal, subject to the same trusts and considerations upon which he may hold the same; and that any other person or persons now holding or who may hereafter hold any goods, chattels or property, real, personal or mixed, in trust for the use of the aforesaid hospital, are hereby authorized to convey, assign and transfer the same to the aforementioned "institution of Protestant deaconesses," subject to the trusts and conditions under which the same is or may be held by such person or persons.

Board of visitors—their duties.

SECTION 2. That in order more perfectly to secure and perpetuate the charitable and impartial character of this hospital, Alexander Mitchell, Eliphalet Cramer, John H. Vandyke, John Henry Inbusch, Greenleaf D. Norris, John Nazro, Lester Sexton, Joseph T. Bradford, Charles Eisfeldt, Gideon P. Hewitt, Frederick Knetemeyer, Sr., John Tomsen, Charles F. Ilsley and W. H. Sinclair, and their successors, appointed as hereinafter provided, shall constitute a board of visitors, who shall meet annually on the third Monday in January, to examine and report for publication the condition and management of the Milwaukee hospital aforesaid; for which purpose they shall have free access to all the buildings, apartments and grounds belonging thereto, and the inspection of all books, papers and accounts relating to the management thereof. And it shall be their special duty to investigate, and in their annual report set forth, any discrimination which may at any time hereafter be made in favor of the sick of one creed, color or country over another, in the granting of permits or the care of the sick, to the end that any such abuse may be speedily corrected. All vacancies in said "board of visitors" shall be filled by the votes of a majority of the patrons of the hospital hereinafter mentioned, at a meeting convened for the purpose, on the call of the surviving members of the board, or in default of such election, by the board of visitors at their next annual meeting.

Vacancies in board.

Annual report.

SECTION 3. The director of the hospital, together with the physicians and treasurer, all of whom are appointed by the aforementioned "institution of Protestant deaconesses," shall present an annual report of their respective departments of the hospital to the said board of visitors, which, if so ordered by them, shall be published in pamphlet form.

Contributions.

SECTION 4. That any contributor who has already

or who shall hereafter subscribe the sum of one thousand dollars at a single benefaction, or who has subscribed a less sum, and shall increase the same to one thousand dollars, on payment of the same into the treasury, shall be entitled to become a patron for life, and shall have the right to nominate and send in, gratuitously, one patient at all times during the year: *provided*, that the person so nominated shall be of the condition and fall within and comply with the rules that may be established for the government of the hospital. And the same privileges and rights shall be conferred on any person or corporation paying one hundred dollars annually, for the period of fifteen years, and the same privileges and rights to the free beds of the hospital shall be conferred on any church or religious society which shall take an annual collection for the benefit of the hospital, amounting to the sum of seventy-five dollars annually.

Exemption.

SECTION 5. The buildings, grounds and such real estate belonging to the Milwaukee hospital as shall be used by it for the humane purposes of the institution, shall be exempted from taxation.

Grounds not to be affected by streets.

SECTION 6. The inclosed site and lands of this institution, devoted to hospital purposes, shall in no wise be affected by changes which may be made in exisiting roads or by the laying out of new streets, without the written consent of the board of visitors, which consent shall be obtained at an annual meeting or a special meeting, on the call of one-third of the members of the board.

Misnomer not to vitiate legacy, &c.

SECTION 7. No gift or grant made to the "Milwaukee hospital" by legacy or subscription, shall be lost to the institution because of a misnomer in the will or agreement: *provided*, the purpose of the testater or donor was clearly to appropriate the amount specified to the charitable purposes of this institution.

Approved April 4, 1864.

CHAPTER 397.

[Published April 26, 1864.]

AN ACT to authorize Stephen Marston and his associates to build and maintain a bridge across the Chippewa river, in Eau Claire.

(See supplement to local laws.)

CHAPTER 398.

[Published April 26, 1864.]

AN ACT to authorize certain counties and towns therein named to vote a tax to aid in the construction of a railroad therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Towns of certain counties may vote on proposition of aiding railroad.

SECTION 1. Any town in the counties of La Crosse, Vernon, Richland and Iowa, is hereby authorized and empowered to vote a tax upon the taxable property of such towns, for such sum or sums as they may see fit, to aid in the construction of a railroad through or in said counties, or either of them, which sum or sums so raised, shall be paid to any railroad company who shall be actually engaged in building or constructing a railroad in or through either of said counties, in the manner hereinafter provided.

When question may be submitted.

SECTION 2. Said towns shall have the power and privilege to vote said aid at any annual election, or at any special election called for that purpose, as provided in this act.

Notice of vote at general election.

SECTION 3. If the vote for said aid shall be taken at any annual election, notice of said vote shall be given by posting notices therein in five public places in such town, for at least ten days previously to such election. It shall be the duty of the town clerk, or two members of the town board of supervisors of such town, to give and post such notices, when required as herein provided. Said notices shall contain the fact, that such vote is to be taken, the time and place of such election, and the amount proposed to be raisd by such vote.

SECTION 4. A special election may be called to vote said aid by ten freehold voters, residents of the town when [where] such election is to be held, signing a petition requesting such election to be held, and presenting the same to the clerk or two member of the town board of supervisors, whose duty it shall be to immediately thereafter give the required notice for such election, as provided in the third section of this act. How special election may be called.

SECTION 5. When such vote is taken, whether at any annual election or at a special election called and held for that purpose, it shall be conducted in the usual forms of conducting elections, as prescribed by law. In voting, the electors shall vote by ballot, on which shall be written or printed, "for aid to railroad," or "against aid to railroad." If the vote is taken at an annual election, then the ballot shall be deposited in a separate box, which shall be provided by the judges of the election for that purpose. But if the vote is taken at a special election, then the polls shall be opened, a poll list shall be kept, the votes counted and returns made, as the law provides. How election to be conducted. Form of ballots, &c.

SECTION 6. In all cases when towns shall vote aid as provided in this act, such towns shall have power to issue their bonds for the amount of such aid so voted, signed by the town clerk and chairman of the town board of supervisors, for the benefit and aid of such railroad company, payable in ten years or less, bearing interest at the rate of seven per cent. per annum, which interest shall be payable annually, on the first day of June, of each year: *provided*, such bonds shall not be issued or paid to said railroad company until an amount equal to double the amount of the bonds so voted, shall have been actually expended in the construction of said road over and above the cost of surveying, procuring the right of way, payments for services of the officers and employees, and all other merely incidental expenses, by said railroad company, in the respective counties in which the towns are situated which have voted said aid. If vote favorable, towns may issue bonds. Proviso.

SECTION 7. Either or any of the beforenamed counties of La Crosse, Vernon, Richland and Iowa, is hereby authorized to vote aid for the construction of said railroad, and upon the presentation to the supervisors of either of the above counties, of a petition signed by twelve freeholders, voters, residents of said county, Counties may vote on question.

Election therefor.

the supervisors shall order the clerk of their board to give thirty days' notice in some paper printed in the county, or by posting up notices in ten public places in the county, of an election to be held at the usual places of holding election in the several towns. Said notices shall contain the object of election and the amount proposed to be voted for, and at the election so ordered the proceedings, in all respects, shall be the same as at a general election, and the returns shall be made in the same manner to the clerk as in other elections, and the ticket shall be written or printed, "for aid to the railroad," or "against aid to the railroad;" and if aid shall be voted, then bonds shall be issued for the amount these [thus] voted, signed by the clerk and chairman of the county board of supervisors. Said bonds may be drawn payable one-third the amount in five years, one-third in ten years, and the remaining one-third in fifteen years, bearing interest at seven per cent. per annum, which interest shall be payable annually: *provided*, said bonds of county indebtedness shall not be issued nor paid to said railroad company until an amount equal to said bonds shall have been actually expended by the company in the construction of said railroad in the county so voting aid; *and provided, further*, that all the aid to said railroad by either of the above named counties, shall be expended in the counties which have voted it and issued bonds for it.

Form of ballots.

If vote favorable, bonds may be issued, &c.

Provisos.

Certain towns exempt from tax.

SECTION 8. It is hereby provided, that if an election to vote aid to said railroad shall be ordered in the county of Richland, the towns of Richwood, Eagle and Westford therein shall be exempted form said tax, and shall not be required to vote on the proposition of a county tax, as herein provided.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 399.

[*Published April* 20, 1864.]

AN ACT to provide for and prescribe the compensation of clerks of the county boards of supervisors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Clerks of boards to be salaried officers.

SECTION 1. The several clerks of the county boards of supervisors of this state, shall receive as compensation for their services, in lieu of all fees and emoluments now by law received by them for such services, a salary to be fixed and prescribed by the county board of supervisors of their respective counties, as hereinafter provided.

When salary to be fixed.

SECTION 2. At the annual meeting in November, one thousand eight hundred and sixty-four, the county boards of supervisors for the several counties, shall fix and determine the amount of the annual salary that the clerk of the county board of supervisors of their respective counties shall receive, and thereafter the salary of each clerk of the county board of supervisors shall be fixed by the county board of supervisors at its annual meeting after his election and before the commencement of his term of office, and such salary shall not be increased or diminished during his said term of office.

When salary payable.

SECTION 3. The salary thus determined upon shall be paid out of the county treasury, out of any moneys not otherwise appropriated, and may be paid at the end of each and every quarter.

Fees to be paid into treasury.

SECTION 4. The fees now allowed by law to clerks of the county boards of supervisors, shall be collected by them and paid into the treasury of the county, for the use of the county.

Repeal.

SECTION 5. All acts and parts of acts conflicting with this act, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 400.

[*Published April* 26, 1864.]

AN ACT to incorporate the Turners' association in the village of Menasha, Winnebago county.

(*See supplement to local laws.*)

CHAPTER 401.

[*Published April* 27, 1864.]

AN ACT to authorize certain counties therein named, to aid the St. Croix and Lake Superior railroad company in the construction of its road.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Towns of certain counties may vote on proposition to aid St. C. and L. S. R. R.

SECTION 1. At the annual town meeting for the election of town officers, to be held in and for the different towns comprising the counties of St. Croix, Polk, Dallas, Burnett, Ashland, La Pointe and Douglas, in the year one thousand eight hundred and sixty-four, or at any subsequent annual town meeting or general election held in each and any of said towns, comprised in any one of said counties, the legal voters of said counties, or either of them, may deposit ballots, written or printed, in words as follows, to wit: "for railroad aid," or "against railroad aid." Such ballots shall be deposited in a separate box, provided for that purpose by the inspectors of election, and such ballots shall be considered as the votes of the legal voters upon such question, and shall be counted, canvassed and returned to the proper officers as in other elections, and as provided under the election laws of the state applicable thereto: *provided*, ten days' notice of such submission shall be given by the sheriff of said counties, respectively, by posting in each town in the county, in four public places, a written or printed notice stating that a submission of the question of railroad aid, will be had.

Form of ballots, &c.

SECTION 2. If a majority of the ballots cast in any of said counties be "for railroad aid," the county board of supervisors of said county shall have power, by resolution, to cause to be issued bonds of a denomination of one hundred dollars to one thousand dollars each, to an amount not exceeding fifty thousand dollars for each of said counties, except the county of Douglas, which may issue bonds to an amount not exceeding one hundred thousand dollars, payable thirty years after date thereof, with interest at the rate of seven per centum, payable semi-annually in the city of New York, at such place as the treasurer of the state shall designate.

If vote favorable, board of supervisors of each county may issue bonds to amount of $50,000.

SECTION 3. The county board of supervisors of each of said counties, shall annually cause to be levied and collected, as other state and county taxes are collected, a sum of money sufficient to pay the interest accruing and existing by reason of the bonds which either of said counties may issue, at the rate aforesaid, and such further amount, to defray any expense attending the payment of such interest. The county treasurer of each of said counties shall pay over the same to the state treasurer, who shall receive and apply the same to the payment of such accruing interest, at the time or times, place or places, when and where the same shall become due.

Annual tax to pay interest on bonds.

Money to be paid to state treasurer.

SECTION 4. From and after the fifteenth year after the issue of bonds by any of said counties, the board of supervisors of each of said counties, respectively, shall annually cause to be levied and collected, as a special tax for that purpose, in the manner as state taxes are collected, a sum not exceeding five per cent. of the amount of bonds which may have been issued, or which may remain outstanding at such time; the amount so annually collected in said counties, as aforesaid, to be paid over by the county treasurer of each county thereof to the state treasurer. The state treasurer with the proceeds shall annually apply the same in payment of the bonds so outstanding against said counties; and in the event of not being able to find parties who may hold the same, willing to receive payment thereon, in that event the state treasurer shall invest such amounts so received in state or United States stocks, and shall receive thereon the amount of interest arising therefrom, and shall reinvest such interest in such stocks,

Tax for payment of bonds.

Application of same.

If money refused, treasurer to invest it in stocks, and report annually to board.

and shall annually report to the county board of each of said counties, the manner in which he has invested such amounts so paid to him as aforesaid, and the condition of the fund so annually to be raised for the period aforesaid as a sinking fund. The state treasurer shall, during the year previously to the time any of the bonds issued by any of said counties shall become due, realize upon the investments made by him for the purpose of paying and redeeming said bonds, and notify the board of supervisors of each county at least one year before such bonds become due, of the probable amount which he has or will realize from such securities, and the amount of bonds outstanding against each of said counties, and the probable deficiency which will remain after applying such amount so realized in payment of said bonds, together with the proper costs and charges. That it shall be the duty of each of the boards of supervisors of said counties to cause to be collected and paid over to the treasurer of the state, during the year previously to the maturity of any of said bonds, a sum sufficient to make up the same amount due, and that the same be paid over by the county treasurers of said counties to the state treasurer, who shall apply the same in the payment and cancellation of said bonds when they become due.

Redemption of bonds.

Tax for deficiency.

Board may make temporary loan.

SECTION 5. For the purpose of promptly meeting the first installment of interest, or any future deficency before the taxes herein authorized to be collected for any bonds which any of said counties may issue, the board of supervisors of each of said counties shall have power to make temporary loans for any term not exceeding six months, but such loans shall not exceed seventy-five per centum of the tax levied and assessed for the purpose for which such loans may be made, and such temporary loans shall be paid by the treasurer of the state out of the tax when collected.

Liability of present territory of county.

SECTION 6. Any future dismemberment of the present territory comprising any of the counties aforesaid, by the erection of a new county or otherwise, the portion detached shall continue to be taxed for the purposes herein and by this act provided, the same as if such detachment had not been made, and according to the value of the property therein.

Application of avails of bonds.

SECTION 7. The said bonds, when authorized to be issued as aforesaid, shall be held by the county board

of supervisors of each of said counties, and the same, or the avails thereof, shall be expended in the counties which issued the same, provided the railroad passes through the said county, in the grading of said railroad or in the purchase of ties therefor; and the said bonds shall be delivered to the said railroad company when the board of supervisors of each of the said counties are satisfied that the same will be applied for such purpose.

When bonds to be delivered to company.

SECTION 8. If from any cause the said question is not submitted to the electors of either of said counties at the annual town meeting on the first Tuesday of April, one thousand eight hundred and sixty-four, it shall be submitted at any election or town meeting thereafter, when any ten electors of said county shall file with the clerk of the county board of supervisors a petition therefor; and when such petition is thus filed, the said clerk shall give public notice of the proposed submission of such question in the same manner as notices of general elections are now required by law to be given by the sheriff.

Question may be submitted at subsequent election.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 402.

[*Published April 28, 1864.*]

AN ACT to amend section forty-one of chapter one hundred and thirty-three of the revised statutes, entitled "of costs and fees."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section forty-one of chapter one hundred and thirty-three of the revised statutes, entitled "of costs and fee," is hereby amended, by adding thereto as follows: "*Provided*, that in actions at law on contract, the fees shall not in any one case exceed twenty-five dollars, and when the sum recovered is less than two hundred dollars, the same shall not exceed fifteen dollars."

Maximum of attorney's fees.

Repeal.

SECTION 2. All acts and parts of acts inconsistent with the foregoing section, and also chapter two hundred of the general laws of 1859, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 403.

[*Published April* 18, 1864.]

AN ACT relating to the listing of personal property for taxation, and amendatory of sections five and eight of chapter three hundred and eighty-six of the general laws of 1860, [chapter 167 of the general laws of 1859, as amended by chapter 295 of the general laws of 1860.]

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Where property to be listed.

SECTION 1. Section five of chapter three hundred and eighty-six of the general laws of 1860, [chapter 167 of the general laws of 1859, as amended by chapter 295 of the general laws of 1860,] is hereby amended, so as to read as follows: "Section 5. Every person required to list property in behalf others, shall list such property in the same town or city in which he would be required to list it if it were his own, but he shall list such property separate and apart from his own, specifying the name of the person, estate, company or corporation to which the same may belong. All toll bridges shall be listed in the town or ward where the toll is taken. Merchants' and manufacturers' stock shall be listed and taxed each year in the town or ward in which it was situated on the fifth day of June, in such year, but all other personal property shall be listed and taxed each year in the town or ward in which the person charged with the tax thereon resided on the fifth day of June, in such year.

Repeal.

SECTION 2. Section eight of said chapter three hundred and eighty-six [167] is hereby amended, by striking out the following words, to wit: "The first day of June shall be taken as the period to which the age of animals shall refer, to meet the above provisions," where such

words occur in [the] thirteenth, fourteenth and fifteen lines.

SECTION 3. The property required by chapter three hundred and eighty-six of the general laws of 1860, [chapter 167 of the general laws of 1859, as amended by chapter 295 of the general laws of 1860,] to be listed, shall be listed as of the fifth day of June, in the year in which the same is assessed, and the transfer or sale of any taxable personal property subsequently to the said fifth day of June, shall not authorize any person to omit the same from his list, although such list be not made out until after the sale or transfer of such property, but all such property shall be listed for taxation in the same manner as if no sale or transfer thereof had been made. Of what day property to be listed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 404.

[*Published April* 27, 1864.]

AN ACT to incorporate the Lutheran evangelical church of Schleisingerville, in the county of Washington.

(*See supplement to local laws.*)

CHAPTER 405.

[*Published April* 27, 1864.]

AN ACT to incorporate the Menomonee warehouse company.

(*See supplement to local laws.*)

CHAPTER 406.

[*Published April* 27, 1864.]

AN ACT to incorporate the Howard foundry company.

(*See supplement to local laws.*)

CHAPTER 407.

[*Published April* 4, 1864.]

AN ACT to amend chapter 242 of the general laws of 1863, entitled "an act to provide for the enrollment of persons liable to perform military duty, and the organization of the state militia for active service."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sec. 1 amended.

SECTION 1. Section one of chapter two hundred and forty-two of the general laws of 1863, entitled "an act to provide for the enrollment of persons liable to perform military duty, and the organization of the state militia for active service," is hereby amended, by striking out the word, "colonel," in the nineteenth line, and by inserting the words, "brigadier-general" in lieu thereof, and by striking out the word, "lieutenant," in the eighteenth line.

Quartermaster-general to preserve arms, &c.

SECTION 2. Section four of the act aforesaid is hereby amended, so as to read as follows: "The quartermaster-general shall discharge the customary duties of his office, and in addition thereto, such duties as pertain to the office of commissary-general and chief of ordnance. He shall have the charge of the military property of the state, and it shall be his duty to carefully guard all such property as may at any time be in his possession, to repair, preserve and account for the same. He shall also keep an account of all moneys received and expended by him. The manner of keeping such accounts shall be directed by the commander-in-chief, and shall always be subject to his inspection. He shall, on or before the first day of October, in each year, make to the governor, to be by him laid before the leg-

Annual report—what to contain.

islature, a report of all the transactions of his department since his last annual report, containing an account of all moneys received and expended by him, an account of all military property of every description belonging to the state and remaining on hand at the date of his last annual report, together with such as may have come into his possession subsequently to such date, stating from what source the same had been received, to whom issued or how expended, and on whose order, with the condition of such property remaining on hand; also, a statement exibiting the possession and condition of all such military property as may have been issued under the military laws of this state, so far as the same may have been reported to him."

Quartermaster-general to give bond.

SECTION 3. Section five of the act aforesaid is hereby amended, so as to read as follows: "Before entering upon the discharge of the duties of his office, the quartermaster-general shall give a bond to the state of Wisconsin in the sum of twenty thousand dollars, with not less than four sureties, who shall be resident freeholders of this state, conditioned that he shall faithfully discharge the duties of his office, and that he shall deliver to his successor in office, or any other person authorized by law to receive the same, all arms, ordnance, ordnance stores and other property belonging to the state, all books, papers, bonds and money in his possession or charge pertaining to his office, which bond shall be approved by the governor; and if at any time, the governor shall deem the bond so given to the insufficent, he shall require the quartermaster-general to furnish such additional security as he may deem sufficient, and if the quartermaster-general shall refuse or fail to give such security, the governor shall remove him from office."

If deemed insufficient, additional security may be required.

Volunteer companies—meeting for organization, &c.

SECTION 4. Section eleven of the act aforesaid is hereby amended, so as to read as follows: "Whenever sixty-five persons, residents of any county in this state, subject to perform military duty, shall subscribe to a call for the organization of a volunteer company or battery, the county judge of the county, upon such call being presented to him, shall appoint some suitable person, a resident of the county, to superintend the organization of such company or batter, who shall forthwith fix a time and place of meeting for the purpose of organizing the same, by giving at least ten days' notice

thereof by publication in some newspaper published in said county, or by posting notices in three or more of the most public places in the county."

Sec. 12 amended.

SECTION 5. Section twelve of the act aforesaid is hereby amended, by striking out that part commencing with the word, "He," in the fourth line, and ending with the word, "him," in the fifteenth line, and in lieu thereof inserting the following: "After said election shall have been determined, he shall make out a certified list of the names of the persons constituting said company or battery, and of the officers elected, and shall transmit the same, together with a copy of the proceedings and notice of said meeting, to the adjutant-general of the state;" and by adding to said section the following: "Vacancies occasioned by the death, promotion, resignation or discharge of said company officers, shall be filled by promotion of the next ranking officer, subject to the approval of the commander-in-chief."

Certified copies of names of company and officers.

Vacancies.

Sec. 13 amended.

SECTION 6. Section thirteen of the act aforesaid is hereby amended, by striking out the words, "sixty-two," in the ninth line, and in lieu thereof inserting the words, "forty-three," and by striking out the words, "sixty-four," in the thirteenth line, and in lieu thereof inserting the words, "forty-six."

By-laws of companies and batteries, fines, &c.

SECTION 7. Section fourteen of the act aforesaid is hereby amended, so as to read as follows: "Each company or battery of organized militia, may adopt such constitution and by-laws as a majority of all the members of such company or battery may approve, which shall be binding on all the members of the same; and when any fines are assessed by reason of any infraction of such constitution and by-laws, such company or battery, through its commanding officer, may have process from any court of competent jurisdiction in the name of the state, against the delinquent member, and prosecute the suit so instituted to judgment and execution: *provided*, that no fine shall be executed under such constitution and by-laws against any member for willful absence or refusal to appear properly armed and equipped, and perform duty, at any of the stated times for muster, for instruction or for parade, exceeding five dollars nor less than one dollar; and that the commander of such company or battery may exonerate an absentee from a penalty named under the provisions of such constitution and by-laws, upon a reasonable ex-

cuse being offered by the delinquent within one week after the committal of the offense; *and provided, further*, that said constitution and by-laws shall not conflict with the constitution of the United States and of this state, nor with the act aforesaid as herein amended, and that such fines and penalties as are provided for in this section, when collected, shall be paid into the treasury, as a part of the school fund of the state, by the commander of such company or battery."

Sec. 15 amended.

SECTION 8. Section fifteen of the act aforesaid is hereby amended, by inserting between the words, "company" and "shall," in the first line, the words, "or company of drafted militia."

Accounts to be audited by sec'y of state.

SECTION 9. Section sixteen of the act aforesaid is hereby amended, by striking out the words, "[board of] military auditors," in the eleventh line, and in lieu thereof inserting the words, "secretary of state."

Sec. 17 amended.

SECTION 10. Section seventeen of the act aforesaid is hereby amended, by striking out the words, "may in their discretion," in the fourth and fifth lines, and in lieu thereof inserting the word, "shall."

Demand for arms, &c. in possession of military force.

SECTION 11. Section eighteen of the act aforesaid is hereby amended, so as to read as follows: "The commander-in-chief shall have authority to demand and receive back from any portion of the military force of the state, or from any person or persons to whom the same may have been issued under the militia laws of this state, any arms, equipments or other military property of every description, and when he shall order such return of military property, it shall be immediately delivered to the officer authorized in such order to receive the same; and when such property shall again come into possession of the quartermaster-general, or other officer designated by the commander-in-chief to receive the same, it shall be the duty of the quartermaster-general or other officer so designated, to receipt therefor, describing its condition in such receipt, which shall be in triplicate, one copy to be delivered to the officer or person returning it, one copy to be filed in the office of the quartermaster-general, and the other in the office of the secretary of state; and if the property mentioned in such order shall not be promptly delivered as directed, the officer named in the same is hereby authorized to take it into his immediate possession; and any person resisting such officer in the performance of

Receipts for arms returned.

Officer may take property into his possession.

Penalty for resisting officer.

his duty as herein prescribed, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than two nor more than six months in the common jail of the county wherein the offense was committed."

When arms, &c. may be issued to other than the organized militia.

SECTION 12. Section twenty-one of the act aforesaid is hereby amended, by striking out all after the word, "issue," in the sixth line, and in lieu thereof inserting the following: "In which case, they shall be issued in the usual form, by the quartermaster-general: *provided*, that the governor may, in his discretion, order the issue of old or unserviceable arms and equipments in the state armory, to such colleges and schools applying for the same, for the purpose instruction in military science, in such quantities as he may deem proper."

Sec. 27 amended.

SECTION 13. Section twenty-seven of the act aforesaid is hereby amended, by striking out the words, "or enrolled," in the eighth line, and by striking out all of said section after the word, "by," in the thirty-eighth line, and in lieu thereof inserting the following: "A written, or partly written and partly printed notice, delivered personally or left at the last and usual place of residence of the person so to be notified, with some person of suitable age and discretion, to whom the contents shall be explained; and in case of the refusal or neglect of any commissioned officer commanding a company or battery to notify, or cause to be notified, his command in the manner herein prescribed, when ordered so to do by the commander-in-chief, or other officers authorized to make such call under the provisions of this act, or failure to appear at the time and place of rendezvous named in such call, prepared for duty, as well as such subordinate commissioned officers of the organized militia refusing or neglecting to appear at the time and place of rendezvous, after being duly notified, as aforesaid, prepared for duty, such officer or officers shall be liable to a penalty of two hundred and fifty dollars, and be dishonorably dismissed the service, should the commander-in-chief deem it necessary for the public good. And if any non-commissioned officer, musician or private of the organized militia, after being duly notified, as aforesaid, refuse or neglect to appear at the time and place of rendezvous, properly armed and equipped for duty, he shall be liable to a penalty of fifty dollars. For the enforcement and collection of the penalties so incurred, process

How notice to be given.

Penalty.

shall be had from any court of competent jurisdiction in the county where the defendant or defendants may reside, in an action to be prosecuted in the name of the state, by the district attorney of the proper county, upon the complaint of any commissioned officer of the regiment, battalion, company or battery, or either of the officers authorized to make the call, as aforesaid: *provided*, that it shall constitute a good defense to such action to show irregularity in service of the notice, or physical disability to perform military duty at the time of the service of notice, or dangerous sickness in the family of the defendant at the time of service of such notice, or absence from home at the time of the service of the notice aforesaid, where such absence was not intended to avoid the service of the same; and all penalties recovered and collected under the provisions of this section, shall be by the district attorney prosecuting the suit, paid into the treasury as a part of the school fund of the state." Defense.

SECTION 14. Section twenty-eight of the act aforesaid is hereby amended, by striking out the word, "volunteers," in the first line, and by inserting the words, "members of the organized militia," in lieu thereof, and by striking the word, "aforesaid," in the fifth line, and in lieu thereof inserting the words, "enrolled militia." Sec. 28 amended.

SECTION 15. Section thirty-eight of the act aforesaid is hereby ameded, by striking out the following: Commencing with the word "any," in the first line, and ending with the word, "and," in the third line; and by striking out the word, "thereof," in the fourth line, and in lieu thereof inserting the words, "of this state;" and by striking out the word, "organized," in the twelfth line, and in lieu thereof inserting the word, "enrolled;" and by striking out the words, "officer or," in the twenty-eighth line. Sec. 38 amended.

SECTION 16. Section forty-one of the act aforesaid is hereby amended, by adding thereto the following: "Every commissioned [and] non-commissioned officer, musician and private of any company or battery of the organized militia of this state, shall be held to duty therein for five years, unless some absolute disability shall occur after joining such company or battery, or he shall be discharged by the proper officer; and every person as aforesaid, after the expiration of said term, Term of duty.

shall be entitled to a certificate of such service, and said certificate shall be given to all such persons by the adjutant-general; and the holders of said certificates shall be thereafter exempt from military duty in time of peace, and from the payment of poll tax."

Exemption from jury duty, &c.

Quartermaster-general to make necessary purchases, &c.

SECTION 17. Section forty-two of the act aforesaid is hereby amended, by adding thereto the following: "And the quartermaster-general is hereby authorized, under the direction of the governor, to make the necessary purchases, and issue to each company or battery of the organized militia, three copies of tactics, as above prescribed, invoicing and taking receipts for the same, as other military property, to such company or battery." Section forty-three of the act aforesaid is hereby amended, by inserting between the words, "service" and "if," in the sixth line, the following: "except the general staff, whose pay shall be assigned by the governor, as hereinafter provided."

Sec. 43 amended.

Parade, &c. not to be held on election day.

SECTION 18. The following shall stand in place of section forty-four of the act aforesaid: "No muster for instruction or parade of the organized militia of this state shall be held or called on any day during which a general or special election shall be held, nor within five days previously to such election, except in cases of riot, invasion or insurrection, or imminent danger thereof; and if any officer shall order any such muster or parade, he shall forfeit and pay the sum of one hundred dollars, in an action upon complaint of any person interested, to be commenced and prosecuted to final judgment and execution in like manner as is provided for in section twenty-seven of the act aforesaid, as herein amended; and the amount so forfeited, when collected, shall be paid into the treasury as a part of the scoool fund of the state, by the district attorney prosecuting the action."

Penalty.

Sec. 45 amended.

SECTION 19. Section forty-five of the act aforesaid is hereby amended, by inserting between the words, "by" and "the," in the second and third lines, the following: "members of the general staff in carrying out his orders, and by."

Sec. 56 amended.

SECTION 20. Section fifty-six of the act aforesaid is hereby amended, by inserting the word, "unnecessarily," after the word, "to," and before the word, "obstruct," in the fifth line.

Sec. 62 amended.

SECTION 21. Section sixty-two of the act aforesaid is hereby amended, so as to read as follows: "There is

hereby annually appropriated from the general fund, a sum sufficient to carry out the provisions of the act aforesaid, as herein amended."

SECTION 22. All acts and parts of acts, so far as they conflict with the provisions of the act to which this amendatory, are hereby repealed. Repeal.

SECTION 23. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 408.

[*Published April* 27, 1864.]

AN ACT to protect the owners of ferry charters on the Wisconsin river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In all cases where a ferry charter has been or shall hereafter be granted, on the Wisconsin river, giving to any person or persons the exclusive right of ferriage, it shall not be lawful for any board or boards of supervisors to grant a license or licenses to any other person or persons other than such as own such charter, within one mile each way from the point or points designated for landing by said charter: *provided*, the person or persons owning said charter shall at all proper times keep and run a sufficient number of ferry boats to accommodate the wants of the public. No ferry to be licensed within one mile of any having a charter.

SECTION 2. This act shall take effect from and after its passage.

Approved April 4, 1864.

CHAPTER 409.

[*Published April* 28, 1864.]

AN ACT to authorize the village of Depere and the town of Lawrence to purchase or lease a certain bridge across Fox river, for a free bridge.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to purchase bridge, &c.

SECTION 1. The village of Depere and the town of Lawrence, in the county of Brown, or either of the said corporations, are hereby authorized and empowered to purchase absolutely, or lease from the owners thereof, a certain bridge across the Fox river, at Depere, and all the appurtenances thereto belonging, and the charter of the same, granted by this state by an act of the legislature of said state, approved February 4, 1851, upon such terms as the parties in interest may agree to.

Stipulations declared legal.

SECTION 2. All stipulations and agreements heretofore made between the said village of Depere and town of Lawrence, concerning the leasing of said bridge and appurtenances, are hereby declared valid and binding.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 410.

[*Published April* 28, 1864.]

AN ACT to amend chapter 107 of the private [general] laws of 1862, entitled "an act to amend chapter 108 of the private laws of 1858, entitled 'an act to reduce the law incorporating the city of Janesville, and the several acts amendatory thereto, into one act, and amend the same,' and to amend chapter 158 of the general laws of 1860, entitled 'an act to amend an act entitled 'an act to reduce the law incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and to amend the same,' approved March 25th, 1858, and all acts amendatory of the same.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Improvement of streets, &c.

SECTION 1. Subdivision first of section two of chapter one hundred and seven of the private [general] laws

of 1862, is hereby amended, so as to read as follows: "1st. In case the work shall be the grading, graveling, leveling, paving, macadamizing or planking any street, highway, lane or alley, or any part thereof, the common council shall appoint some competent person to ascertain the aggregate front length of each lot and parcel of land, on both sides thereof, throughout its whole extent, with a correct description thereof, and the name of the owner if known, and also the aggregate front length of all lots and parcels of land fronting on such street. The said common council shall then determine the expense of the whole work, including the surveying, specifications, advertising, treasurer's commission, ascertaining the value of existing improvements of the same, or of similar kind and character, if any, and preparing the assessment lists, and cause the average expense upon each foot front of lots and parcels of land, on both sides of such street, highway, lane or alley, throughout its whole extent, excluding cross streets from the computation, to be ascertained, and each lot or parcel of land on both sides of such street, highway, lane or alley throughout its whole extent, shall be assessed with its proportion of the expense, to be ascertained by multplying its number of feet front by the average expense per foot: *provided*, that when the owner or owners of any lot or lots, parcel or parcels of land fronting any street, highway, lane or alley upon which said improvement is proposed to be made, have already made any improvement on said street, highway, lane or alley, in front of his or her said lot or lots, parcel or parcels of land, of the same or of similar kind and character as the proposed improvement, the common council shall ascertain the value of such improvement, and for that purpose shall have power to subpena witnesses, administer oaths and take proofs in such manner as it may direct; and the value of such improvement, when so ascertained, shall be added to the expense of the proposed improvement, and assessed therewith upon all the lots fronting upon such street, highway, lane or alley, in the manner hereinbefore specified; and when so assessed, the value of such improvement so made by such owner or owners as aforesaid, shall be credited upon the assessment upon his or her said lot or lots, parcel or parcels of land, but the value of such improvement shall be so assessed as afore-

said but once; and in case the value of such improvement shall exceed the amount assessed upon such lot or lots, parcel or parcels of land, such excess shall be credited upon any future assessment or assessments made upon such lot or lots, parcel or parcels of land for a like purpose, until the same shall be fully credited and allowed."

Application.

SECTION 2. This act shall apply to all improvements upon any street, highway, lane or alley specified in section one of this act, which have heretofore been made, the expense whereof has not already been assessed, and to all such improvements hereafter made [as] may have been ordered before the passage of this act.

Repeal.

SECTION 3. All acts and parts of acts in conflict with this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 411.

[*Published April* 28, 1864.]

AN ACT to correct the names of certain counties, and to prescribe certain duties for the secretary of state, in relation to the publication of laws.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Orthography of certain counties.

SECTION 1. The correct names of the counties of "Douglass," "Shawanaw" and "Waupacca," in this state, (so spelled in the revised statutes of 1858,) are hereby declared to be Douglas, Shawano and Waupaca, respectively; and hereafter in making any official or authorized publication of any act, memorial or resolution heretofore or hereafter passed, in which any or either of the said counties is mentioned, the secretary of state shall cause the name or names of the county or counties so mentioned, to be spelled correctly, as the orthography thereof is hereinbefore declared and established, whether such name or names be or be not cor-

rectly spelled in the enrolled copy of such act, memorial or resolution.

Secretary of state authorised to correct orthography and grammar of enrolled bills.

SECTION 2. The practice which has heretofore prevailed in the printing and publishing of the laws of this state, of following the letter of the text of enrolled acts, memorials and resolutions, in cases where words and names have been misspelled, and then inserting the same word or name in brackets, correctly spelled, is hereby prohibited. But in all official or necessary publications hereafter made, the secretary of state shall cause all words and names to be correctly spelled in the printed laws; and in such publications he shall also correct such errors as "previous" for *previously*, "subsequent" for *subsequently*, "is" for *are*, "affect" for *effect*, and the like, where such errors occur in the enrolled act, memorial or resolution; and no such correction shall ever be held or taken as an alteration of or departure from the enrolled copy. On questions of orthography, Webster's unabridged dictionary shall be taken as the standard.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 412.

[*Published April* 28, 1864.]

AN ACT to amend chapter two hundred and eighty of the general laws of 1863, entitled "an act to lay out a state road from Superior, through Douglas and Burnett counties, to Saint Croix Falls, in the county of Polk, with a branch along the mineral range, in town forty-seven, range fourteen west."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Change of commissioners.

SECTION 1. Chapter two hundred and eighty of the general laws of 1863, entitled "an act to lay out a state road from Superior, through Douglas and Burnett counties, to Saint Croix Falls, in the county of Polk, with a branch along the mineral range, in town forty-seven, range fourteen west," is hereby amended, by striking out the name of J. B. Churchill wherever it

occurs in said chapter, and inserting in lieu thereof the name of Stephen Rowcliffe.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 413.

[*Published April* 28, 1864.]

AN ACT to incorporate the Green Bay dry dock company.

(*See supplement to local laws.*)

CHAPTER 414.

[*Published April* 28, 1864.]

AN ACT to authorize the county board of supervisors of Juneau county, to borrow money for the purpose of building a jail.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May borrow $6,000 on bonds of county.

SECTION 1. The county board of supervisors of Juneau county, are hereby authorized to borrow money for the purpose of building a jail in and for the use of said county, in any sum not exceeding six thousand dollars in the aggregate, and to issue bonds of not less than fifty dollars each, bearing a rate of interest not exceeding ten per cent. per annum, payable semi-annually, and redeemable at such time as the county board of supervisors may designate on the face of such bonds.

How bonds to be signed, &c.

SECTION 2. The bonds shall be signed by the board of supervisors, (or a majority of them,) and countersigned by the clerk of the board, and said bonds shall not be disposed of at less than their par value.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 415.

[*Published April* 28, 1864.]

AN ACT to vacate a part of Capron's addition to the city of Berlin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All that part of Capron's addition to the city of Berlin, in the county of Green Lake, lying between Cumberland street and Seward street, and Jackson street and Kossuth street, (*be and the same*) is hereby vacated: *provided, however*, that such vacation shall not in anywise affect or impair any assessment thereof heretofore made, nor any tax heretofore levied thereon, or levied on any lot, tract or parcel thereof. Vacated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 416.

[*Published April* 28, 1864.]

AN ACT to legalize to proceedings of a special town meeting held in the town of Union, Rock county, for the purpose of voting a tax to pay bounties to vounteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the proceedings of a special town meeting held on the twenty-third day of December, in the town of Union, in the county of Rock, for the purpose of voting a tax to pay bounties to volunteers, are hereby declared valid and legal. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 417.

[*Published April* 28, 1864.]

AN ACT to amend section thirty-six of chapter ten of the revised statutes, entitled "of state officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Clerks in office of secretary of state.

SECTION 1. Section 36 of chapter ten of the revised statutes, is hereby amended, so as to read as follows: "There shall be annually appropriated to the secretary of state, such sum as shall be actually and necessarily expended in his office for clerk hire. The sum drawn for such clerk hire shall be drawn on the warrant of the secretary of state, in favor of the clerks entitled to the same, respectively, and the gross amount of the certificates thus issued, and the name of the person in whose favor the same shall have been drawn, with a statement of the particular services rendered by each clerk, verified by the oath of the secretary, shall be set forth in the annual report of the secretary of state."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 418.

[*Published April* 28, 1864.]

AN ACT to authorize Canute Anderson and Simeon Slack to keep and maintain a ferry across the St. Croix river.

(*See supplement to local laws.*)

CHAPTER 419.

[*Published April* 28, 1864.]

AN ACT to prevent the establishment of cemeteries or burial grounds within the limits of cities and villages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person or persons, or any cemetery association, religious society or other association of persons, to lay out or establish any cemetery grounds, or to use any lot or grounds for burial purposes, (except those now in use for said purposes,) within the limits of any recorded plat of any city or village of this state, or within the limits of any recorded addition to such city or village plat, when such cemetery lot or grounds, so laid out, used or occupied, shall lie or be within one mile of any lot or block therein, on which any building or buildings may be erected; and any person or persons aggrieved may commence and maintain an action or actions as in other cases of nuisance, to enjoin or restrain the person, association or society from laying out and establishing or attempting to lay out and establish such cemetery, or from using or attempting to use any such lot or grounds for burial purposes, in violation of any of the provisions of this act. Not to be laid out within one mile of any building in city or village plat.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 420.

[*Published April* 28, 1864.]

AN ACT to aid the St. Croix and Lake Superior railroad company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All lands hereafter acquired by the St. Croix and Lake Superior railroad company, the Exemption from taxation.

title in fee to which lands, or any part thereof, may become vested in said company by and pursuant to the act of congress entitled "an act granting a portion of the public lands to the state of Wisconsin, to aid in the construction of railroads," approved June 3d, 1856, and the laws of the state of Wisconsin granting and conferring rights thereto, under and by the act of incorporation of said railroad company, and the acts amendatory thereto, shall be exempt from all taxation for ten years from and after the passage of this act: *provided*, that such lands or any part thereof shall not be exempt from taxation from and after the time the same shall be sold, contracted to be sold, leased, mortgaged, conveyed or in any manner incumbered by the said railroad company: *provided*, that such exemption shall not extend to any lands which may now be or have become improved.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 421.

[*Published April* 7, 1864.]

AN ACT to amend section two of chapter 248, [laws 1863,] entitled "an act to incorporate the Tomah and Lake St. Croix railroad company, and to repeal and annul a portion of a grant of land heretofore made to the La Crosse and Milwaukee railroad company."

(*See supplement to local laws.*)

CHAPTER 422.

[*Published April* 28, 1864.]

AN ACT to change the time of holding courts in the tenth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

General terms.

SECTION 1. The terms of the circuit court for Brown and Oconto counties, in said circuit, shall hereafter be held as follows: In the county of Brown, on the first Monday of March, the fourth Monday of May and the fourth Monday of October, in each year; in the county of Oconto, on the first Monday of May and the first Monday of October, in each year.

Brown county.

Oconto.

Special terms.

SECTION 2. The term of the circuit court of Brown county, to be held on the first Monday of March, in each year, and the term of the said circuit court for Outagamie county, to be held, as heretofore, on the third Monday of January, in each year, shall also be special terms for the whole circuit. Any and all actions, motions, proceedings or other business now pending, or which may hereafter arise in any or either of the counties of said circuit, and not requiring a jury, may be heard, tried, determined or otherwise disposed of at either of said special terms, in the same manner and with the same force and effect as if the same were heard, tried or determined in the county wherein the same are now pending or may hereafter arise. No grand jury shall be summoned for said March term in Brown county, unless upon the order of the judge of said circuit, made and filed in the clerk's office of said county, at least fifteen days before said term. Such order so made and filed, shall be sufficient authority for such clerk to draw and summon said grand jurors, pursuant to chapter 118 of the revised statutes of this state, and the laws amendatory thereof.

Business that may be disposed of.

No grand jury, &c.

Abolished.

SECTION 3. The special terms of said circuit court, heretofore authorized to be held in said county of Brown on the fourth Monday of January, in each year, and in said county of Outagamie on the second Monday of November, in each year, are hereby abolished.

Repeal.

SECTION 4. All acts and parts of acts inconsistent with this act, are hereby repealed.

Approved April 4, 1864.

CHAPTER 423.

[*Published April* 28, 1864.]

AN ACT to reduce the width of a part of Hill street, in the fourth ward of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May be reduced to 70 feet.

SECTION 1. So much of Hill street as lies between the east line of Clermont street and the east line of the alley running through blocks numbered 132 and 137, in the fourth ward of the city of Milwaukee, is hereby reduced in width from eighty feet to seventy feet.

Reduction to be made on south side.

SECTION 2. The said reduction of width shall be made from the south side of said street, the north line of said street remaining as it at present is, and the south line of the said street shall be hereafter ten feet north of the present south line of the said street.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 424.

[*Published April* 29, 1864.]

AN ACT to incorporate the Milwaukee dock company.

(*See supplement to local laws.*)

CHAPTER 425.

[*Published April* 29, 1864.]

AN ACT to amend an act to incorporate the Oakland mining company.

(*See supplement to local laws.*)

CHAPTER 426.

[*Published April* 29, 1864.]

AN ACT act to amend an act to incorporate the Swedes iron company.

(*See supplement to local laws.*)

CHAPTER 427.

[*Published April* 29, 1864.]

AN ACT to vacate Smith's addition to Janesville.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The addition to Janesville, platted on the southeast quarter of section thirty-five, town three north, of range twelve east, and commonly known as Smith's addition to Janesville, is hereby vacated and declared null and of no effect: *provided*, that this act shall not be construed to affect any existing or vested rights. Vacated.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 428.

[*Published April* 29, 1864.]

AN ACT to amend chapter 140 of the general laws of 1861, entitled "an act to amend chapter 134 of the revised statutes, entitled 'of executions and proceedings supplementary thereto.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter one hundred and forty of the general laws of 1861, is hereby amended, Execution can only issue after judgment, by leave of court.

so as to read as follows: "After the lapse of five years from the entry of judgment, in all cases wherein an execution has not been issued, an execution can be issued only by leave of the court, upon motion, with personal notice to the adverse party, unless he be absent or non-resident, or cannot be found to make such service, in which case such service may be made by publication, or in such manner as the court shall direct; and in case the judgment debtor shall have died after the entry of judgment, the court, or a judge thereof, may make an order requiring all persons interested in the estate of such judgment debtor, to show cause before such court, at a term fixed in such order, why an execution should not issue; and such order may be served personally or by the publication thereof, as such court or judge shall direct. Such leave shall not be given unless it be established by the oath of the party or other satisfactory proof, that the judgment, or some part thereof, remains unsatisfied and due. When the judgment shall have been rendered in a court of justice of the peace, and docketed in the office of the clerk of the circuit or county court, the application for leave to issue execution must be to the court where judgment is docketed.

In case of death, &c.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 429.

[*Published April* 29, 1864.]

AN ACT to incorporate the Green Bay, Shawano and St. Croix Fal railroad company.

(*See supplement to local laws.*)

CHAPTER 430.

[*Published April* 30, 1864.]

AN ACT to incorporate the Janesville and Afton railroad company.

(*See supplement to local laws.*)

CHAPTER 431.

[*Published May* 2, 1864.]

AN ACT to aid the counties of Marathon and Clark in opening and improving a certain state road.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

One section of swamp land donated for every mile of certain road built.

SECTION 1. To aid the counties of Marathon and Clark to open and improve so much of the state road from Stevens Point to Eau Claire, laid out in pursuance of chapter 162 of the general laws of 1860, and to aid in draining the swamp and overflowed lands through which the same may pass, there is hereby granted to each of the said counties of Marathon and Clark, the swamp and overflowed lands which may be selected, as hereinafter provided, by the board of supervisors of each of the said counties of Marathon and Clark; one section of said land per mile for each and every mile of said road that may be built in each of the aforesaid counties, the number of miles of said road in each of said counties to be ascertained and computed by the plats and notes of survey of the commissioners who laid out said road: *provided*, that the supervisors of each of the said counties shall select the said lands granted to the said counties by the provisions of this act, from the swamp and overflowed lands now belonging to the state, lying nearest to the line of said road on either side of the same; *and provided, further*, that that portion of said lands which the said county of Marathon may be entitled to under the provisions of this act, shall be under the sole management and control of said county, and such of said

Proviso.

Lands to be under control of the counties.

lands as the said county of Clark may be so entitled to, shall be under the saparate control of the said county of Clark.

Selection and patenting of lands.

SECTION 2. Immediately after the passage and publication of this act, the supervisors of the counties of Marathon and Clark shall proceed to select the lands donated for the purposes provided for in this act, and shall furnish the commissioners of the school and university lands a list of the lands selected by them, together with a copy of the survey and map or plat of the said road; and when such selections are made, as required by this act, the said commissioners shall convey by patent to each of said counties, such portion of the said lands as they may severally be entitled to under the provisions of this act.

Public sale of lands.

SECTION 3. Each of the said counties of Marathon and Clark, under and by the direction of its county board of supervisors, is hereby authorized and empowered to sell and convey said lands so granted to it, or any part thereof, at public or private sale, and give to the purchaser or purchasers a good and sufficient deed or deeds therefor, executed by the clerk of the board of supervisors of said county so conveying said land, sealed with the seal of said board: *provided*, that the said land, nor any part thereof, shall not be sold except upon previous notice of such sale, stating the description of said lands offered for sale, the time when and the place where the same will be so offered for sale, which notice shall be published for six successive weeks previously to such sale in some newspaper published in said county, if there be one, and if there be none published in said county, then in some newspaper published in an adjoining county; and the expense of such publication shall be charged to said lands and paid out of the purchase money of the same; *and provided, further*, that no part of said land shall be sold for less than seventy-five cents per acre, nor in a less quantity than forty acres.

Notice of sale to be published.

Minimum price.

Balance may be sold at private sale.

SECTION 4. At any time after such lands shall have been so offered for sale, as provided in the preceding section of this act, and shall remain unsold, the same may thereafter be sold at private sale, at the rate above mentioned.

When subject to taxation.

SECTION 5. All lands conveyed to each of the counties of Marathon and Clark, by this act, shall be sub-

ject to taxation from and after the issuing of the patent from the state to said counties.

SECTION 6. All moneys arising from the sale of the said lands shall be used and appropriated for the purposes mentioned in section one of this act, and shall be expended under the direction and control of the supervisors of the counties of Marathon and Clark, as aforesaid, who are hereby authorized to contract for the cutting out and opening so much of said road as is in their respective counties, bridging and draining such marshes as may be necessary, and for the building of all other necessary bridges, in such manner as they shall direct; and the said supervisors may let the contract or contracts for doing all such work to one or more persons, and in such sections as they may deem necessary. All such contracts shall be reduced to writing and signed by the chairman of the board, and by the person or persons contracted with, and shall particularly specify the length of road to be cut out and opened, the number of bridges to be built, and all material facts relating thereto: *provided*, that there shall not be expended on any five miles of said road more than shall be received from the sale of any ten sections of said lands: *provided*, that on receiving the list of swamp lands, as provided for in this act, the school land commissioners shall make a selection from the plats of an equal amount of swamp land on the line of said road, and make a list of the same; and all of the proceeds of the sale of the lands so selected by the school land commissioners, shall go to the school fund and to the normal school fund, as now provided by law.

Application of moneys arising from sales.

Contracts for work.

Ten sections to each five miles.

Equal amount to be reserved by commissioners, &c.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 432.

[*Published May* 2, 1864.]

AN ACT to grant ten sections of state swamp lands to the town of Marinette, in the county of Oconto, for the purpose of building a bridge across the Menomonee river, in said county of Oconto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Swamp lands donated, to aid in construction of bridge.

SECTION 1. That there be and hereby is granted and appropriated to the town of Marinette, in the county of Oconto, ten sections of state swamp lands, (subject to the provisions of the law of congress in relation to drainage of swamp land,) for the purpose of building a bridge across the Menomonee river, in conjunction with the county of Menomonee, and state of Michigan, to connect the state roads from the town of Green Bay to said Menomonee, and from said Menomonee to Little Bay de Noquet, in Michigan.

Commissioners to select lands, and their duties.

SECTION 2. Isaac Stephenson, A. C. Brown and J. C. Hall, of the said town of Marinette, are hereby designated as commissioners, and shall as soon as practicable after the passage of this act, proceed at the expense of said town, to select the said ten sections of said state swamp lands, in legal subdivisions, in and from said county of Oconto, and as soon as said lands are so selected by said commissioners, they shall make out a description of the same, certified under their hands, and file the same with the register of deeds of said county of Oconto, which shall be by said register recorded in his said office. Said commissioners shall also make out and file in the office of the secretary of state, a full description of said lands as so selected by them; and upon receipt of the same, the secretary of state is hereby authorized and required to cause to be issued to said commissioners, patents for said lands, in trust for the purposes aforesaid.

Sec'y of state to cause patents to issue.

Location of bridge.

SECTION 3. The said board of commissioners named in section two of this act, shall, in conjunction with the commissioner of state roads, board of supervisors, or other proper officers of said county of Menomonee, in the state of Michigan, proceed to locate said bridge at such point as a majority of the persons before named shall determine, below the rapids known as the old

Water Mill rapids, on said Menomonee river, and may lay out and record, in the town clerk's office of said town, a road from the present terminus of said Green Bay and Menomonee state road, to said bridge.

How bridge to be constructed.

SECTION 4. The said bridge shall be so constructed with a suitable draw or swing, (if any necessity therefor exist,) so that navigation upon said Menomonee river shall not be unnecessarily incommoded or impeded thereby; and said bridge shall, when constructed, be open to the free use of the public.

To be free.

Sale of lands.

SECTION 5. The said commissioners may advertise said lands, by giving at least four weeks' notice of the time, terms and place of the sale, in a newspaper published in said counties of Oconto, in this state, and Menomonee, in the state of Michigan, and may proceed to sell the same to the highest bidder: *provided*, none of such lands shall be sold for less than one dollar per acre; *and further provided*, that if said commissioners shall so determine, they may sell said lands to any contractor who may build said bridge, at not less than one dollar per acre, in payment for the construction of said bridge.

Minimum price.

SECTION 6. This act shall take immediate effect, and all acts or parts of acts conflicting with the same, are hereby repealed.

Approved April 4, 1864.

CHAPTER 433.

[*Published May* 4, 1864.]

AN ACT to incorporate the Green Bay warehouse company.

(*See supplement to local laws.*)

CHAPTER 434.

[*Published April* 16, 1864.]

AN ACT to amend chapter 155 of the general laws of 1863, entitled "an act to codify the laws of this state, relating to common schools."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Annual meeting—when to be held.

SECTION 1. Section seventeen of chapter one hundred and fifty-five of the general laws of eighteen hundred and sixty-three, is hereby amended, so as to read as follows: "The annual meeting of each school district shall be held on the last Monday of September, in each year. The hour of such meeting shall be seven o'clock in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last previous annual meeting: *provided*, that at any annual meeting of a school district, held after the passage of this act, a majority of the electors present may determine that the annual meeting of such district shall be held on the last Monday of August, in each year, said determination to take effect when a copy of the proceedings of said annual meeting in reference to such change shall have been filed with the town clerk of the town in which such district, or (in case of a joint district,) in which the school house of such district is situated, and to remain in force until rescinded by a vote of a majority of the electors of such district present at a legal meeting; the meeting held in pursuance of such determination to be deemed the legal annual meeting of said district, the same as if held on the last Monday of September, in each year."

May be held last Monday of August.

Taxes voted at special meetings.

SECTION 2. Section sixty-four of said chapter one hundred and fifty-five, is hereby amended, so as to read as follows: "Any tax voted at a special meeting held at a time not specified in section sixty-two of this chapter, shall be assessed by the district clerk and collected by the district treasurer in the manner hereinafter provided, unless the meeting which voted such tax shall determine that the same shall be collected by the town treasurer, in which case the district clerk shall include such tax in the statement which by section sixty-two

of this chapter he is required to deliver to the town clerk on or before the fourth Monday of November."

SECTION 3. Section seventy-eight of said chapter one hundred and fifty-five, is hereby amended, so as to read as follows: "Whenever a school district shall be unable to obtain the school house site selected of designated by a majority of the electors thereof present at a regular meeting, on account of the refusal of the owner to sell or lease the same, or on account of the owner being a non-resident, such site may be located and established by the town board of supervisors in the manner hereinafter provided." Location of school house sites.

SECTION 4. All the provisions of the said chapter one hundred and fifty-five, in reference to the location and establishment of school house sites, shall apply to the selection and establishment of any addition to a site already located: *provided*, that no site thus enlarged shall exceed one acre of land. Ibid.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 435.

[*Published April* 18, 1864.]

AN ACT to amend chapter 117 of the general laws of 1864, entitled "an act revising, amending and consolidating the laws relating to extra pay to Wisconsin soldiers in the service of the United States or of this state, and providing for the relief of families of such soldiers in certain cases, and to prescribe severe penalties for frauds committed in procuring such extra pay."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 12 of chapter 117 of the general laws of 1864, entitled "an act revising, amending and consolidating the laws relating to extra pay to Wisconsin soldiers in the service of the United States or of this state, and providing for the relief of families of such soldiers in certain cases, and to prescribe severe penalties for frauds committed in procuring such extra pay," is hereby amended, by adding at the end of said section Reports of soldiers in hospitals may be made by other than regimental officers.

the following words: "*Provided, further*, that the governor may authorize reports of such Wisconsin soldiers as may be in hospitals, away from their regiments, to be made by suitable persons other than their regimental officers."

Widow receiving pension, entitled to extra pay after husband's death.

SECTION 2. Section six of said chapter 117 is hereby amended, by adding at the end of said section the following: "*Provided, further*, that this act shall not be so construed as to exclude from the benefits of this chapter, the widows of soldiers who died in the military service of the United States prior to the second day of April, 1863, although any such widow may have commenced receiving a pension before the passage of this act."

If child deserted by mother, person having charge may draw extra pay.

SECTION 3. Section two of said chapter 117 is hereby amended, by adding at the end of said section the following: "In cases where the child or children of the soldier, under fourteen years of age, have been deserted by the mother, or the mother has died, the extra pay shall be audited in favor of the persons having such child or children in charge."

SECTION 4. This act shall take effect from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 486.

[*Published May* 2, 1864.]

AN ACT to grant certain swamp and overflowed lands to the counties of Crawford, Vernon and La Crosse, to aid in the construction of a public highway.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Swamp lands donated.

SECTION 1. There is hereby granted to the counties of Crawford, Vernon and La Crosse, all the swamp and overflowed lands granted to this state by act of congress of September twenty-eight, eighteen hundred and fifty, not heretofore disposed of, lying within the limits of said counties, respectively, along the banks of the Mississippi river, and including all islands on the east side

of the thread of the main channel: *provided*, no subdivision greater than a quarter section in width, from east to west, from high water mark, shall be included; and any title or recognition under said act of congress to this state, shall inure to said counties, respectively, or their assigns. Proviso.

SECTION 2. The lands hereby granted shall be applied exclusively to the construction of a public highway between Prairie du Chien and La Crosse, along the bank of the Mississippi river, and unless such road shall be completed and in good order for the traveling public, within five years from and after the passage of this act, then all aforesaid lands remaining in the possession of the several counties aforesaid, shall revert to the state. To aid in construction of certain highway.

SECTION 3. S. A. Clark, of Crawford county, H. H. Furgerson, of Vernon county, and Allen Overbaugh, of La Crosse county, are hereby appointed commissioners, and shall have the care and control of said lands, and shall see that the proceeds of the sale of them are applied as directed in this act. Such commissioners may make such contracts as may be necessary to carry into effect the purposes of this grant. Each commissioner, before entering upon the discharge of the duties of his office, shall execute to the supervisors of his county a bond in sufficient sum and sureties for the proper discharge of his duties and a proper application of all moneys arising from the sale of said lands in such counties, as herein directed. Commissioners—their duties. To give bonds.

SECTION 4. Such commissioners shall have the management of such road and the care of such lands, and may sell the same at such prices as they or a majority of them shall deem just. They shall cause an accurate survey and location of said road, and file a report with the clerk of the board of supervisors of each of said counties. They shall receive for their services one dollar and fifty cents for each day actually and necessarily employed in the discharge of their duties, to be audited by the board of county supervisors, and be paid out of the treasury of the county in which such commissioner resides, respectively. Such commissioners shall account annually to the board of supervisors of each of said counties for all the moneys received for the sale of such lands and for all moneys expended. Further duties of commissioners. Per diem—how payable.

SECTION 5. In case of malfeasance in either of said Vacancy.

commissioners, or death, or being unable or unwilling to act, the county board of supervisors where such vacancy occurs, may appoint some suitable person to fill such vacancy: *provided*, that before such commissioner enters upon the duties of his office, he shall execute a proper bond, as aforesaid.

Trespasses.

SECTION 6. Said commissioners shall have power to prevent trespasses upon such lands, and when necessary may sue in the name of the county within which a trespass has been committed, or take such other measures as the board of supervisors may direct, to protect such lands; and section eight of chapter twenty-nine of the revised statutes, and all other laws for the preservation of such lands, shall extend to the same.

Sec'y of state to make out lists of patented lands, &c.

SEC. 7. Immediately after the passage of this act, the secretary of state shall forward a complete list of all lands granted by this act, now patented to this state, to the clerks of the boards of supervisors of said counties.

Disposition of lands.

SECTION 8. The lands hereby granted shall constitute a common fund for the purposes herein declared, and shall be disposed of only as fast as the road progresses, and after the same is completed and in good traveling order above high water mark, the residue, if any, of such lands shall revert to the state.

SECTION 9. This act shall be in force and take effect from and after its passage.

Approved April 4, 1864.

CHAPTER 437.

[*Published May* 2, 1864.]

AN ACT to appropriate swamp and overflowed lands to certain towns therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Donation of swamp lands, in aid of construction of certain road.

SECTION 1. For the purpose of enabling the towns of Lindina, Clearfield, Germantown, Necedah and Armenia, in the county of Juneau, and the town of Dexterville, in the county of Wood, to open up and con-

struct a state road from the village of Mauston, in the county of Juneau, to the village of Dexterville, in the county of Wood, as provided in an act entitled "an act to lay out a road from Mauston, in Juneau county, to Dexter, in Wood county," approved March 15th, 1864, there is hereby appropriated to each of said towns the full amount of two sections of swamp and overflowed lands lying in said towns, respectively, now belonging to this state; but if there shall not be a sufficient quantity of said lands in either of said towns lying contiguous to the line of said road, then said commissioners are hereby empowered to enter into either of the other towns herein mentioned, and select a sufficient quantity to make up such deficiency; and F. Windsor and Tho's Weston, of the county of Juneau, and Edwin Bently, of the town of Dexterville, in the county of Wood, are hereby appointed commissioners to act in trust for the said towns for the faithful expenditure of the proceeds of said lands, as hereinafter mentioned.

Commissioners.

SECTION 2. The said commissioners shall, within three months after the passage of this act, proceed to select from the swamp and overflowed lands in the respective towns hereinbefore named, the amount of said lands to which each of said towns may be entitled under this act, and shall as soon thereafter as possible, make out and forward to the school land commissioners a full and correct list of all the lands so selected by them; and said school land commissioners shall thereupon, without unnecessary delay, execute and deliver to said commissioners good and sufficient deeds for all the lands furnished in said lists, and to which the said towns may be entitled under this act, which said deeds shall vest in said commissioners the right to sell, convey and dispose of said lands in the manner herein provided.

Their duties.

Patents to lands.

SECTION 3. The said commissioners are hereby empowered to sell and convey said lands, or any part or parcel thereof, for the purpose of opening up and constructing said road, and to execute to the purchasers of the same, sufficient and ample deeds of conveyance, in fee simple, and to apply the proceeds to the opening up said road: *provided*, no part or parcel of said lands shall be sold for a less price than seventy-five cents per acre.

Sale of lands, &c.

Minimum price.

Further duties of commissioners.

SECTION 4. The said commissioners shall render to the several towns herein named, whenever they shall demand the same, a strict and accurate account of all moneys by them received in consequence of the sale of the lands aforesaid, or any part or parcel thereof, and in what manner the same has been expended by them; and all moneys arising from the sale of the lands as aforesaid which shall not be used for the opening up and constructing said road, and all moneys which may remain in the hands of said commissioners after the completion of said road, shall be paid by said commissioners into the state treasury; and the said commissioners shall before any of the rights and powers herein granted shall vest in them, severally give bonds to the state of Wisconsin, with sureties to be approved by the governor, in an amount not less than five thousand dollars each, conditioned for the faithful performance of their duties as said commissioners, and the faithful application and disposition of all moneys arising out of any sale by them of the lands aforesaid, in accordance with the provisions of this act, which bonds shall be filed within ten days after their execution, in the office of the secretary of state.

Commissioners to give bonds.

State not liable for compensation of commissioners.

SECTION 5. The commissioners named in this act shall not be entitled to receive from this state any compensation for services performed under this act, nor shall this state be liable for any expenses incurred in carrying out the provisions of this act.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 438.

[*Published May* 2, 1864.]

AN ACT to provide for the disposal and expenditure of the drainage fund in the towns of Gardner and Brussell, in Door county, the town of Red River, in Kewaunee county, and the town of Green Bay, in Brown county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When moneys to be paid to county treasurer.

SECTION 1. That portion of the interest of the drainage fund due to the towns of Gardner and Brussell, in Door county, the town of Red River, in Kewaunee county, and the town of Green Bay, in Brown county, for the year 1864, which shall be paid over to the county treasurers of said counties for the said year, shall be paid out by the said county treasurers only on the orders of the commissioners hereinafter mentioned, as hereinafter directed.

To be expended on road from Sturgeon Bay to Green Bay.

SECTION 2. The moneys mentioned in section one of this act, shall be expended on the county road running through Brown, Kewaunee and Door counties, known as the Sturgeon Bay and Green Bay road, for the purpose of improving the same. The commissioners are hereby empowered to change the route of said road through Kewaunee county, from a point they may designate on said road in Door county, near the county line, to a point on said road in Brown county, near the water mill on Red river, so as to avoid the ravines on the old road running through Kewaunee county.

Commissioners—their salary.

SECTION 3. Michael Smith, Robert Graham, Louis Van Dycke, are hereby appointed commissioners to make said improvement, and said Michael Smith shall be acting commissioner, and shall have the immediate superintendence of the work done on said road, and shall receive for his services the sum of two dollars per day for every day actually spent by him in the superintendence of said work; and if from any cause the said Michael Smith shall be unable to discharge the duties of acting commissioner as aforesaid, either one of the other commissioners, as they may determine, shall discharge the duties and receive the pay of acting commissioner; *and provided, further*, that when it is found necessary for either or all of said other com-

Acting commissioner.

missioners to go upon said road for the purpose of approving or viewing said work, he or they shall receive the same compensation per day as is hereby provided for the acting commissioner.

Powers of commissioners.

SECTION 4. Said commissioners shall have control and superintendence of the expenditure of the drainage moneys due to said towns, as aforesaid. They may, after ascertaining from the county treasurer of each county, the amount of drainage money due to each town aforesaid, draw orders on the county treasurers of the aforesaid counties, payable from the drainage fund, and employ such laborers or let such contracts as they may deem necessary. They shall keep a record of their doings and take vouchers for all moneys drawn out and paid by them, and shall make a full report of their doings and expenditures to the county board of each county, at the November session of 1864.

To keep record, &c.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 439.

[*Published May 4, 1864.*]

AN ACT to grant to Calumet and Manitowoc certain lands for drainage and other purposes, and to confer upon the said counties and certain towns thereof, for such purposes, certain powers.

Preamble.

WHEREAS, Certain natural obstructions exist in the bed of the Manitowoc river, forming a dam or ledge running across said river, in the county of Manitowoc, to the great detriment to and overflowage of a large body of lands situated in that and Calumet county; and

WHEREAS, The act of congress entitled "an act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," contemplates the reclamation and improvement of the swamp and overflowed lands granted to the state under the provisions of said act; and

WHEREAS, The interests of the state at large, and to a yet greater extent the welfare and prosperity of certain towns of Calumet and Manitowoc counties, de-

mand that such reclamation should be no longer deferred; and

WHEREAS, The swamp lands in the said certain towns of said counties, are not only unproductive, but a source of expense to the state, and have been and will continue to be unsalable in consequence of overflowage and insufficiency of drainage, occasioned in a great measure by the dam or ledge herein mentioned, and the removal of which would afford an increased drainage of from three to four feet, and thus a consequent reclamation under which the now worthless lands would in a few years become valuable and highly productive grass lands, and thus be made to contribute proportionably and largely to the revenues of the state derived from taxation: Therefore,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Swamp lands granted to Calumet and Manitowoc counties.

SECTION 1. All of the swamp and overflowed lands belonging to the state, and constituting a portion of the swamp land fund situated in towns eighteen north, range twenty east; nineteen north, range twenty east; twenty north, range nineteen east, and twenty north, range twenty east, of the county of Calumet; and towns eighteen north, range twenty-one east; eighteen north, range twenty-two east; nineteen north, range twenty-one east; nineteen north, range twenty-two east, and twenty north, range twenty-one east, of the county of Manitowoc, are hereby granted to the said counties in trust, for the purposes and under the conditions hereinafter provided.

May sell or mortgage lands.

SECTION 2. The said counties shall have and hold the same in fee simple, for the purposes of such trust, and shall have full power to grant, bargain, sell and convey the same, or any part thereof; and said counties shall also have power to mortgage the lands herein granted, or any part thereof, for the purposes recited in section — of this act; but in case of a foreclosure of any such mortgage, the said counties shall not be liable to pay any deficiency remaining unpaid, after application of the proceeds of the sale of the mortgaged premises under any such foreclosure sale, to the payment of the debt secured by the mortgage, and the cost of any such foreclosure.

Counties not liable for deficiencies on foreclosures.

Election of commissioners.

SECTION 3. The said counties, by the county supervisors thereof, shall elect in each county a swamp land commissioner, at a meeting of the county boards of the said counties for such purpose called, who shall hold his office for a period of four years, and shall severally, in like manner and under like conditions, fill any vacancy in the office of swamp land commissioner for a like period of four years.

Executive board.

SECTION 4. The swamp land commissioners so elected, shall constitute an executive board, and in the event of any disagreement, shall associate with them the superintendent of public schools of the county in which said board may have last met, and a majority of the board so constituted, shall determine such matter of disagreement, but no other.

Meeting of board, rules, &c.

SECTION 5. The said county board shall hold a joint session, in pursuance of a proper notice thereof, served upon or mailed to each of the supervisors of said counties at least ten days prior to any such meeting, and of which notice shall have been published for the period of three weeks, in a newspaper published weekly in each of said counties; and at which session so called, the said county boards shall adopt rules and regulations for the management of the trust hereby created, and for the government and control of the said commissioners in their supervision and management of the improvements and work entrusted to their charge.

Special meetings.

SECTION 6. Joint special sessions may, under like conditions of notice, be held by said county boards for any of the purposes of this trust hereby created.

Per diem and mileage.

SECTION 7. For attendance at any such joint meeting, the supervisors shall receive a per diem of one and one-half dollars, and mileage at the rate of six cents per mile for the miles actually traveled upon a direct route to and from such joint meetings, and the drainage commissioners shall receive a per diem of two dollars, but no mileage, to be paid from the said joint drainage fund of said counties.

Application of drainage fund.

SECTION 8. The drainage fund of said counties shall, as a joint fund, be placed at the disposition of the drainage commissioners, under the restrictions and regulations of the said joint county board, and shall be by them applied towards the expenses consequent upon the removal of a ridge and other obstructions in the bed of the Manitowoc river, at points above section

twenty-six, in town nineteen north, of range twenty-two east, and of reducing the surface level of the water of said river at low water mark, to a point not less than three feet below the heretofore determined low water mark of said river at said ridge.

SECTION 9. When the said ridge and other obstructions shall have been removed, and a reduction of the surface level as specified, secured, the said commissioners shall remove all obstructions from the beds of the small streams within the limits of the said towns, which may impede the sufficient drainage of such swamp and overflowed lands, and cause to be constructed all necessary main ditches, sluiceways and canals necessary to secure such drainage. Ibid.

SECTION 10. Upon filing in the office of the secretary of state a certificate sworn [to] and subscribed by the supervisors of said counties, specifying the extent of the improvement made, and that all necessary work has been done to secure the reduction of the surface level of said river three feet, as specified herein, and to secure the drainage of the adjoining lands, as proposed by section number eight of this act, then the said secretary of state shall cause patents to be perfected and issued, conveying to the said counties the swamp and overflowed lands situate in the towns designated in section number one of this act, and to be held in trust for the towns in which the said lands are situate, the lands situate in a town for the town in which such lands are so situate. When patents to lands to issue.

SECTION 11. The said counties shall cause to be paid over to the treasurer of the town entitled to receive the same, under the provisions of the next preceding section, the proceeds of sale of any such lands or of any mortgage of such lands, to be applied by such town to drainage, road, bridge and school purposes of the districts in which such lands may be so situate. Payment of proceeds of sales, &c. to towns.

SECTION 12. The supervisors of such towns as may have received payment of any such proceeds, shall apply the same in the following order: 1st. To the opening of all natural channels and the construction of any necessary lateral ditches proper to secure the drainage of such lands, and of maintaining the same. 2d. To the building and maintaining of necessary bridges, causeways and roads upon such lands. Lastly, to the erection of district school houses convenient to such Application of same.

lands, and in aid of the maintenance of such district schools.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 440.

[*Published May* 5, 1864.]

AN ACT to incorporate the New York and Depere flax company.

(*See supplement to local laws.*)

CHAPTER 441.

[*Published May* 2, 1864.]

AN ACT to incorporate the Marshall academy, in the village of Marshall, Dane county.

(*See supplement to local laws.*)

CHAPTER 442.

[*Published May* 6, 1864.]

AN ACT to incorporate the La Crosse and Greenfield plank and turnpike road company.

(*See supplement to local laws.*)

CHAPTER 443.

[*Published May* 2, 1864.]

AN ACT to discontinue and change the location of a state road laid agreeably to the provisions of an act entitled "an act to authorize the laying out of a state road from Prescott, Pierce county, to a point therein named," approved April 2d, 1863.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. So much of the state road laid agreeably to the provisions of an act entitled "an act to authorize the laying out of a state road from Prescott, Pierce county, to a point therein named," approved April second, 1863, as lies east of the northeast corner of the northwest quarter of the southeast quarter of section eleven, in town twenty-six, (26,) of range twenty, (20,) is hereby discontinued. Part discontinued.

SECTION 2. J. W. Beardsley, Jno. A. Sterritt, H. A. Jay, J. F. Maynard and L. M. Hansberger are hereby appointed commissioners to lay out and establish a state road commencing at or near the northeast corner of the northwest quarter of the southeast quarter of section eleven, (11,) in town twenty-six, (26,) of range twenty, (20,) thence to some point at the center of the road known as the Prescott and Trembelle road, in section one (1) or twelve, (12,) town twenty-six, (26,) of range twenty, (20.) Commissioners to re-locate road.

SECTION 3. Said road shall be laid out and established in conformity with the provisions of law in relation to state roads: *provided*, that no part of the expense shall be paid out of the state treasury. How to be laid out.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 444.

[*Published May* 2, 1864.]

AN ACT relating to elections, and amendatory of section twenty-three of chapter seven of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Division of town into two or more election districts.

SECTION 1. Section twenty-three of chapter seven of the revised statutes, entitled "of elections," is hereby amended, so as to read as follows: "Section 23. Whenever, in the opinion of the inspectors of election of any town, more than one election poll will be necessary for the convenience of electors at any general or special election, they are hereby authorized to divide said town into two or more election districts, by their order in writing, which shall be immediately filed with the town clerk, specifying [the] metes and bounds of said new district or districts, and designating the place or places where another or other polls shall be held, and the persons who shall act as inspectors of election at said poll or polls. Said division shall be made at least one week prior to the first day of October, and notice thereof given by posting up notices in five of the most public places in such town, immediately after such division. Said inspectors shall cause a copy of the order creating said new election district or districts, to be filed with the clerk of the county board of supervisors in which such district is situated, within five days after it is made."

When division to be made.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 445.

[*Published April* 15, 1864.]

AN ACT to guard against the abuse of the elective franchise, and to preserve the purity of elections, by a registration of electors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The persons authorized by law to act as inspectors of elections in any town, ward or incorporated village in this state, shall constitute a "board of registry" for their respective towns, wards or villages, and their duties shall be as follows: The said board shall proceed to make a list, as hereinafter prescribed, of all persons qualified and entitled to vote at the ensuing general election, in the election district of which they are inspectors. The said inspectors, at their first meeting, on Tuesday, three weeks preceding their general election, shall have power, if necessary, to sit two days for the purpose of making said list: *provided*, that [at] the annual election next prior to said meeting, the number of voters in the district of which they are inspectors, exceeded four hundred.

Inspectors of election to constitute board of registers.

To make list of qualified electors two weeks before general election.

May sit two days in certain districts.

SECTION 2. Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, alphabetically arranged according to their respective surnames, so as to show in one column the name at full length, and in another column, in cities and incorporated villages, the residence, by the number of the dwelling, if there be a number, and the name of the street or other location of the dwelling place of each person. It shall be the duty of said inspectors to enter in said lists the names of all persons residing in their election district, whose names appear on the poll list kept in said district at the last preceding general election, and in cities or incorporated villages, the number of the dwelling and name of street or other location, if the same shall be known to or can be ascertained by such inspectors; and for this purpose said inspectors are authorized to take from the office in which they are filed, the poll lists made and filed by the inspectors of such district at the general election held next prior to the making of such register. In making said list, the board shall enter thereon, in addition to

Register to contain alphabetical list of voters, and their residences, if in cities or villages.

Names of persons on poll list of last election, to appear in register.

the names on the poll list, the names of all other persons who are well known to them to be electors in said district; and the names of all persons on said poll list who have died or removed from the district, shall be omitted from said register. The said inspectors shall complete, as far a practicable, the said register on the day of their meeting aforesaid, and shall make four copies thereof, and certify the register and each of the copies to be a true list of the voters in their district, so far as the same are known them. Within two days thereafter, the said original list, together with the lists taken from the office as aforesaid, shall be filed by said inspectors in the office of the town clerk of the town in which such election district may be, or if such election district is a village, then they shall be filed in the office of the village clerk, or if such election district is in a city, then it shall be filed in the office of the city clerk of said city; and one copy of said list shall be kept by each of said inspectors, and carefully preserved by him for their use on the day or days hereinafter mentioned for the revision and correction of the same. One copy of said list shall, immediately after its completion, be posted in some conspicuous place in the room in which such meeting shall be held, and be accessible to any elector who may desire to examine the same or make copies thereof. The inspectors may, in their discretion, cause printed copies of said list to be posted up in such places as they may direct, and may cause the same to be published in some newspaper in the county in which such district is situated, at an expense not exceeding one cent for each name on said list.

Four copies of register to be made.

Original list to be filed with clerk, one copy kept by each inspector, and one copy posted in room where meeting may be held.

Copies may be printed and posted.

How registry to be made in formation of new election districts.

SECTION 3. In case a new election district shall be formed by the organization of a new town, or by the division of any town or ward, or the incorporation of a city or village, the inspectors of election in the new district thus formed, may make their registry of electors on the day prescribed by this act, in such manner as a majority of the inspectors may direct; and for that purpose may make a list, or cause to be made a certified copy of the poll list or lists of the district or districts in which such new district is situated; or they may dispense with such list or lists, and proceed to make a register of electors from the best means at their command. Said list shall only embrace the names of such persons as are known to them to be electors in their district, and

shall be posted up and copies thereof made as prescribed in the preceding section, and shall be corrected in the same manner that other lists are corrected.

Time and place of meeting of board.

SECTION 4. The said board shall meet on Tuesday of the week preceding the general election, in their respective election districts, at the place designated for holding the polls of election, for the purpose of revising, correcting and completing said lists; and for this purpose in cities they shall meet at eight o'clock in the morning, and remain in session until nine o'clock P. M. of that day and the day following; and in other districts they shall meet at nine o'clock in the morning, and remain in session until seven o'clock P. M. of that day.

Proceedings to be open.

SECTION 5. The proceedings of said board shall be open, and all persons residing and entitled to vote in said district, shall be entitled to be heard by such inspectors in relation to corrections or additions to said register. One the lists so kept by inspectors as aforesaid, shall be used by them on the day or days of making corrections or additions, for the purpose of completing the registry for such district.

Names of non-residents to be erased.

SECTION 6. It shall be the duty of said inspectors at their meeting for revising and correcting said lists, to erase therefrom the name of any person inserted therein who shall be proven by the oath of two legal voters of said district, to the satisfaction of said inspectors, to be a non-resident of said district, or otherwise not entitled to vote in said district at the election then next to be held. Any elector residing in said district, and entitled to vote therein, may appear before said board of inspectors and require his name to be recorded on said alphabetical list. Any person so requiring his name to be entered on said list, shall make the same statement as to the street and number thereof, and where he resides, required by the provisions of this act of persons offering their votes at the election, and shall be subject to the same penalties for refusing to give such information, or for falsely giving the same, and shall also be subject to challenge either by the inspectors or either of them, or by any other elector whose name appears on said alphabetical list, and the same oaths may be administered by the inspectors as now provided against persons offering to vote at an election; and in case no challenge is made of any person requiring his

Elector may require his name to be recorded.

May be challenged.

name to be entered on said alphabetical list, or in case of challenge, if such person shall make an oath which would entitle him to vote in case of challenge at an election, then the name of any such person shall be added to the alphabetical poll list of the last preceding year.

Four copies of list to be made.

SECTION 7. After said list shall have been fully completed, the said inspectors shall, within three days thereafter, cause four copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district, one of which shall be filed in the office of the town clerk of towns, in the office of village clerk of villages, and the office of city clerk of cities, and one of which copies shall be delivered to each of the said inspectors. It shall be the duty of said inspectors, so receiving such list, carefully to preserve the said list for their use on election day, and to designate two of their number, at the opening of the polls, to check the name of every voter voting in such district, whose name is on the register. No vote shall be received at any annual election in this state, unless the name of the person offering to vote be on the said registry, made on the Tuesday or Wednesday preceding the election, unless the person offering to vote shall furnish to the board of inspectors his affidavit in writing, giving his reasons for not appearing on the day for correcting the alphabetical list, and prove by the oath of a householder of the district in which he offers his vote, that he knows such person to be an inhabitant of the district, and if in any incorporated village or city, giving the residence of such person within said district. The oath may be administered by any one of the inspectors of election, at the poll where the vote shall be offered, or by any other person authorized to administer oaths, but no person shall be authorized to receive compensation for administering the oath. Said oath shall be preserved and filed in the office of the town, village or city clerk. Any person whose name is on the register, may be challenged, and the same oaths shall be put as now are or hereafter may be prescribed by law.

List to be preserved.

If name of voter not on register, he must furnish reasons for not appearing when list was corrected, &c.

Challenge.

Duties of clerks.

SECTION 8. The clerks of each poll, in addition to the duties now prescribed by law, shall enter on the poll list kept by them, in columns prepared for that purpose, opposite the name of each person voting, the

same statement or minute as hereinbefore required of inspectors in making the registry; but such entry is not to be made by them, if the registry contains correctly the name and residence of such voter, and in all cases the said clerk shall enter in a column opposite the name of each person not registered, the words, "not registered." Every elector at the time of offering his vote, shall truly state the street in which he resides, and if the house, lodging or tenement in which he resides is numbered, the number thereof, and the clerks of the polls shall truly enter in the appropriate column of the poll list, opposite the name of the elector, the street in which the elector resides, and the number, in case the house, lodging or tenement is numbered, and if the same is not numbered, then the clerks shall enter "not numbered," in the column of the poll list for entering the number. In case of refusal to make the statement as aforesaid, the vote of such elector shall not be received. Any person who shall willfully make any false statement in relation thereto, shall be deemed guilty of misdemeanor, and shall, upon conviction, be punished with a fine of fifty dollars, or by imprisonment in the county jail for a period of ten days, or by both such fine and imprisonment.

Residence of voter to appear on poll list.

Penalty for making false statement as to residence.

SECTION 9. After the canvass of the votes, one of said poll lists and said registers so kept and checked as aforesaid, shall be attached together, and shall, on the following day, be filed in the town, village or city clerk's office (as the case may be) in which said district may be, to be used by the inspectors in making the list of voters at the next general election. The other of said poll lists and registers, so kept and checked, shall be returned to the office of the clerk of the board of supervisors of the county in which such district may be, at the same time the returns of the election are made.

One copy of poll list and register to be filed with clerk, and other with clerk board supervisors.

SECTION 10. The said board may, if necessary, on the day or days of the making and of correction of such lists, appoint a clerk to assist them in the discharge of the duties required by this act, and the same oath shall be taken by such clerk as is required by law of clerks of the polls or of elections.

Board may appoint clerk.

SECTION 11. The registers shall, at all times, be open to public inspection, at the office of the authorities in which they shall be deposited, without charge.

Registers to be open to public inspection.

Compensation.

SECTION 12. The members of the board of registration and their clerks, shall each receive the same compensation as is now allowed by law for inspectors of election, for each day actually employed in the making and completion of the registry, to be paid to them at the time and in the manner in which they are paid their other fees.

Powers to preserve order.

SECTION 13. The said board shall have and exercise the same power in preserving order at their meetings, under this act, as are given to inspectors of election for preserving order on election days, and vacancies in said board shall be filled in the same manner that vacancies are now filled at elections.

Penalty for false swearing, &c.

SECTION 14. Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter in the district where said registry is made, or who shall falsely personate any registered voter, and any person causing, aiding or abetting any person, in any manner, in either of said acts, shall be punished for each and every offense, by imprisonment in the state prison for not less than one year. All false swearing before said board of registration, shall be deemed willful and corrupt perjury, and on conviction, punished as such. If any member or officer of said board shall willfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished for each and every offense by imprisonment in the state prison for not less than one year.

Secretary of state to cause this act to be printed and circulated.

Section 15. The secretary of state shall cause this law to be printed in pamphlet form, with suitable forms and instructions for carrying it into effect, together with the general election law of the state, and a sufficient number of copies thereof sent to each clerk of the board of supervisors in every county in this state, to supply each of the officers named in this act with a copy; and it shall be the duty of each of said clerks immediately to transmit a copy of the same to each of the inspectors of election in his county.

Secretary to prepare blanks, &c.

SECTION 16. The necessary blanks for making the registers required by this law, shall be prepared by the secretary of state, and transmitted to the persons entitled to receive them, in the same manner that blank returns of elections are now transmitted.

SECTION 17. Nothing contained in this act shall be construed as in any manner affecting the provisions of chapter 11 of the general laws of the extra session of 1863, [1862,] entitled "an act to enable the militia and volunteers of this state, when in the military service of the United States, or of this state, to exercise the right of suffrage," or the acts amendatory thereof. Not applicable to laws allowing soldiers to vote.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 446.

[*Published May* 8, 1864.]

AN ACT to authorize the formation of corporations for the encouraging and aiding of Wisconsin inventors and patentees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any three or more persons who may desire to form a company for the purpose of encouraging and aiding Wisconsin inventors and patentees, may make, sign and acknowledge before any officer authorized to take the acknowledgment of deeds, and file in the office of the clerk of the circuit court of the county in which the business of the company is to be carried on, and also in the office of the secretary of state, a certificate in writing, in which shall be stated the corporate name of said company, the object for which it is formed, the number of its directors, and the names of the persons chosen as directors for the first year, and the amount of a single share of its capital stock, and the name of the town and county in which the election and business meetings of the said company are to and shall be held. How company may be formed.

SECTION 2. The capital stock of any such company shall not be less than one thousand dollars, nor more than one hundred thousand dollars actually paid, and such company shall have perpetual succession. Capital stock.

SECTION 3. The directors of any such company shall, at their first meeting after the filing of said certificate Election of treasurer.

in the office of the secretary of state, elect a treasurer, for the faithful performance of whose duties they shall be severally and collectively sureties to the creditors of such company, to the extent of the moneys which should be in his hands belonging to such company, collaterally, however, to a bond for such sum as the directors of any such company may require and with sureties by them to be approved, and for the same purpose conditioning: *provided, however*, that no such election shall take place before said company has corporate existence.

License to company.

SECTION 4. After the filing of such certificate with the clerk of the proper court, such clerk shall, upon proof that a like certificate has been filed with the secretary of state, issue a license to the persons who shall have acknowledged and signed the same, setting forth that they, their future associates and their successors, shall in fact and in name be a body corporate and politic, by the name stated in such certificate, and by that name shall have perpetual succession, and be capable of being sued in any court of law or equity in this state, and of suing in any court of law or equity, and may have a common seal, and alter the same at pleasure, and be capable of purchasing and holding, conveying and disposing of real and personal estate, choses in action, and securities negotiable or otherwise, patent rights, and the unpatented rights of inventors, and the taking of all necessary measures of testing the value of the same, and of securing a patent right of any improvement or invention, and to perform such other acts as may be expedient and necessary to enable the said company to carry on their operations and business named in said certificate, upon receipt of which, the said company shall be a body politic and corporate for all the purposes set forth in said certificate, subject, however, to the further provisions of this act.

Name and powers.

Board of directors.

SECTION 5. The board of directors named in the said certificate, shall be stockholders of said company, and shall not be fewer than five, and shall elect one of their number as president, and shall have power to make by-laws and perform such other acts as the business of the company may require, not inconsistent with the laws of this state or with its license.

Annual election of directors.

SECTION 6. An annual election of directors shall be

held at such time and place as shall be designated in a notice of the board of directors, served personally on each stockholder, or the legal representative of stock, or sent to his address through the postoffice, at least fifteen days before the day of election, which shall be by ballot, and the name of each stockholder and the number of shares represented by him or his proxy, or by any executor, administrator, guardian or curator, shall be indorsed upon it. Each stockholder or legal representative of stock, shall be entitled to one vote for each share of stock held by him, and those persons, to the number necessary to constitute such board, who shall have received the greatest number of votes, shall be directors. If from any cause the election shall not be held as designated, it shall be held upon such day as may be in like manner designated by the board of directors.

Capital stock may be increased.

SECTION 7. Any such company may increase the amount of its capital stock until such stock shall have reached the maximum amount or limit: *provided, however*, that a statement of any such increase shall be filed annually in the office of the secretary of state.

Vacancies.

SECTION 8. When any vacancy shall occur in the board of directors, whether occasioned by death, resignation, neglect, refusal or inability to serve, or otherwise, it shall be filled temporarily or for the remainder of the term, by the board of directors; but a majority of the board shall not be so substituted, and when vacancies shall have occurred requiring substitution of more than a moiety of the elected directors, then a special election shall for such purpose be held.

Special elections.

SECTION 9. Special elections may be held for the election of directors, but all such elections, and all meetings of stockholders for other purposes called, shall be called under the provision of section six of this act, providing for the call of annual elections.

Business of company to be confined to encouragement of Wisconsin inventors.

SECTION 10. The business of any such company shall be confined to the aiding and encouraging of Wisconsin inventors and patentees, and shall embrace the manufacturing of articles so patented, of experimenting and testing the value of discoveries and improvements before the same shall have been patented, and of holding in the name of and for the benefit of any such company, not exceeding the one-half interest in any such invention, discovery, improvement or patent, and

shall have all the necessary powers for such purposes, and for the disposing of all articles manufactured or constructed under its authority and direction, and of the town, city, village, county or state right which may exist under and by virtue of any caveat or patent to any discovery, invention or improvement in which any such company may acquire an interest.

Shares of interests in inventions which company may purchase, &c.

SECTION 11. No such company shall purchase or in any other manner acquire, for money consideration, a greater amount than one-tenth interest in any such discovery, invention, improvement or patent, but any such company may acquire, not exceeding the one-half interest in any such discovery, invention, improvement or patent, if such company shall propose to test the value of the same and to procure and to secure a patent therefor, for the benefit of the inventor and any such company, or to aid the introduction to use of any patented article, by the manufacture or construction of it.

Transfer of stock.

SECTION 12. The capital stock of every such company shall be deemed personal estate, and shall be transferable on the books of the company.

Dividends.

SECTION 13. When the assets and effects of any such company shall be found to exceed by twenty-five per centum the amount of its capital stock, upon filing with the clerk of the circuit court a certificate, signed and sworn to by them, the board of directors may declare a dividend of any amount exceeding such excess, and which dividend shall be paid to the stockholders or their legal representatives by the treasurer of any such company, in such manner that the dividend upon each and every share of stock shall be an equal and like sum or amount.

Capital stock may be reduced, &c.

SECTION 14. The capital stock of any such company may be reduced, its business operations extended or changed, at any meeting called and held under the provisions of this act, if the vote therefor shall have represented not less than two-thirds of the whole stock of any such company; but no such reduction shall be made until all the debts of any such company shall have been paid, and dissolution of any such company may be in manner and under like condition made.

Apportionment of reduction.

SECTION 15. The total amount of any such reduction of capital, or of the moneys resulting from the dissolution of any such company, shall be apportioned and paid to its stockholders, in accordance with the

provision for equality of distribution in section thirteen of this act.

SECTION 16. No dividend shall be made under the provisions of section — of this act, upon any share or shares of the stock of any such company which shall not have been paid in full to or which is owned by any such company.

Full paid stock only entitled to dividends.

SECTION 17. No loan of money shall be made by any such company upon any pledge of its own stock, or to any officer or stockholder of any such company; and any officer or stockholder assenting to any such liability, shall be liable to an extent equal to double the amount of loan upon any debt of any such company existing during the period of such loan; and such liability shall be coexistent with the liability created by the loan.

Money not to be loaned on pledge of stock.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 447.

[*Published May* 7, 1864.]

AN ACT to authorize the county of La Pointe to pledge its credit for railroad purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. At the regular election for town officers to be held in the county of La Pointe, in the year 1864, the legal voters of said county may deposit ballots, written or printed, or partly written and partly printed, in words as follows, to wit: "for railroad pledge," or "against railroad pledge;" and it shall be the duty of the inspectors at said election to receive such ballots in a box to be by them prepared for that purpose, and count the same and make return thereof to the clerk of the county board of supervisors of said county, who shall certify the result in said county to the governor, secretary of state and state treasurer, as provided by

County may vote on question of aid to railroads.

Form of votes and return of same.

the election laws in other cases where results of elections are to be certified to such state officers.

If vote favorable, board of supervisors may issue bonds to amount of $100,000.

SECTION 2. If a majority of the ballots cast in said county in pursuance of section one of this act, be "for railroad pledge," the county board of supervisors and the clerk thereof shall execute a bond or bonds as hereinafter provided, to the amount of one hundred thousand dollars, payable thirty years after the date thereof, with interest at the rate of seven per centum per annum, payable semi-annually in the city of New York, at such place or places as the treasurer of this state shall designate.

Annual tax to pay interest on bonds.

SECTION 3. The county board of supervisors of said county shall annually cause to be levied and collected, as state taxes are collected, the sum of seven thousand dollars, and such additional amount as may be necessary to pay the interest on said bond or bonds, and to defray the expenses of collecting the same and paying it over to the state treasurer, in funds par in the city of New York. The county treasurer of said county shall pay the same over to the state treasurer, who shall receive the same and apply it to the payment of said interest at the times and place or places when and where the same shall become due.

Tax for payment of bonds.

SECTION 4. From and after the fifteenth year after the issue of said bond or bonds, the said county board of supervisors shall annually cause to be levied and collected, as aforesaid, and in like manner and like funds, and to be paid over to the state treasurer, the sum of five thousand dollars. It is hereby made the duty of the state treasurer, by and with the advise and consent of the governor, to safely invest in good interest-paying state or United States stocks, the aforesaid annual collection of five thousand dollars, and in like manner to receive the income of the investments from time to time, as the same may accumulate. He shall annually, on the first day of January, report to the said county board the condition of the funds thus invested for a sinking fund, and during the year previously to the maturity of said bond or bonds, the state treasurer shall call in the investments so made and the income thereon, and at least one year before the maturity of said bond or bonds, notify the said county board of supervisors of the probable amount thereof, and the deficiency, if any, in amount necessary to fully pay the

Investment of tax.

Annual report of treasurer to county boards.

said one hundred thousand dollars, together with all proper costs and charges. It shall be the duty of the said county board of supervisors of said county, to cause to be levied, collected and paid over to the state treasurer, during the year previously to the maturity of said bond or bonds, a sum sufficient to make up the said deficiency, if any, and (*that*) the state treasurer shall faithfully apply the moneys herein provided to the payment of the interest and bonds aforesaid, when the same shall become due.

Tax for deficiency.

SECTION 5. For the purpose of promptly meeting the first installment of interest, or of any future deficiency before the taxes herein and by this act provided for shall be collected, the said county board of supervisors shall have power to make temporary loans at lawful interest, for any term not exceeding six months; but such loan or loans shall not exceed seventy-five per centum of the tax levied and assessed for the purpose for which such loan or loans may be made, and such temporary loan or loans shall be paid by the state treasurer out of the tax when collected.

Board may make temporary loan.

SECTION 6. In case [of] any future disbursement of the present territory of La Pointe county, by the creation of a new county or counties, or otherwise, the portion or portions detached shall continue to be taxed for the purposes herein and by this act provided, in the same proportion to its or their assessable property, as if such detachment had not been made.

Liability of present territory of county.

SECTION 7. The said bond, or bonds in denominations of not less than one thousand dollars, shall be engraved and printed in the usual form of public securities, with interest coupons attached, by the said county board of supervisors, the cost of which the said board are hereby authorized to pay out of the county treasury, and shall be issued to the amount of one hundred thousand dollars, and made payable and delivered to the Bayfield and St. Croix railroad company, when it shall have completed a railroad, with the usual equipment of engines and cars running thereon, to and from Bayfield, La Pointe county, to some point in township thirty-nine or forty, of range twelve west, and connecting with the Saint Croix and Lake Superior railroad: *provided*, that neither said bond or bonds shall be issued if any other railroad be completed and equipped, as aforesaid, from any point on the Mississippi river

How bonds to be engraved, denomination, when to be issued, &c.

Proviso.

or Lake St. Croix, or from any other point within the state of Wisconsin or Minnesota, more than one hundred miles from Bayfield. Said bond or bonds shall bear interest from and be dated and issued on the first day of January next succeeding the completion of the railroad and equipments, as aforesaid.

Question may be submitted at any other election.

SECTION 8. If from any cause the said question is not submitted to the electors of said county at the annual town meeting on the first Tuesday of April, 1864, it shall be submitted at any election or town meeting thereafter, when any ten electors of said county shall file with the clerk of the county board of supervisors a petition therefor, and when such petition is thus filed, the said clerk shall give public notice of the proposed submission of such question, in the same manner as notices of general elections are now required by law to be given by the sheriff.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 448.

[*Published May* 6, 1864.]

AN ACT to incorporate the La Crosse, Vernon and Richland railroad company.

(*See supplement to local laws.*)

CHAPTER 449.

[*Published May* 6, 1864.]

AN ACT to legalize the proceedings of the board of supervisors of the county of Grant, in laying out a certain highway.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Highway galized.

SECTION 1. The proceedings of the county board of supervisors of Grant county, in this state, in the laying

out and establishing a highway from the village of Lancaster, in Grant county, through the towns of Fennimore, Hickory Grove and Marion, to the town of Boscobel, in said county, are hereby legalized and declared valid, notwithstanding all the requirements of chapter 133 of the general laws of 1863, may not have been fully complied with in the laying out and establishing such highway, and said road is hereby declared a public highway.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 450.

[*Published May* 6, 1864.]

AN ACT to provide for levying a state tax for the year one thousand eight hundred and sixty-four.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There shall be levied and collected for the year 1864, a state tax of two hundred and thirty-five thousand dollars, for the estimated expenses of 1865, and for deficiency of 1864, to be apportioned among and assessed upon the several counties of this state, as provided by law; and such tax shall be levied upon the taxable property of the state, real and personal, and collected and paid into the treasury, as provided by law. Tax of $235,000 authorized.

SECTION 2. The secretary of state shall apportion said tax among the several counties of the state, as provided by law, on or before the second Monday of October next, and certify the same to the clerk of the board of supervisors of each of the several counties, as provided by law. Apportionment.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 451.

[*Published May* 6, 1864.]

AN ACT to legalize a certain town meeting in the town of Gardner, in the county of Door, called to vote a tax to pay bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proceedings legalized.

SECTION 1. All the proceedings prior to and at the special town meeting held in the town of Gardner, in the county of Door, on the 8th day of March, A. D. 1864, for the purpose of levying a tax for paying bounties to volunteers who shall thereafter enlist and be credited to said town, are hereby declared to be legal, valid and binding for all purposes whatever, notwithstanding any defects, omissions or insufficiencies in the notices, time or manner of posting the same, or in holding and conducting said special town meeting.

Tax legalized.

SECTION 2. The tax voted to be levied upon the taxable property of the town of Gardner, in Door county, for the purpose of paying bounties to volunteers, at a special town meeting held in and for said town of Gardner, in Door county, on the 8th day of March, A. D. 1864, is hereby legalized and declared to be legal, valid and binding for all purposes whatever.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 452.

[*Published May* 6, 1864.]

AN ACT to amend section fifty-one of chapter thirteen of the revised statutes, entitled "of counties and county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

No notice of tax sale legal, unless published in a paper printed in the English language.

SECTION 1. Section fifteen [fifty-one] of chapter thirteen of the revised statutes is hereby amended, by adding after the word, "law," in the last line of said section, the following words: "And no such publica-

tion of notices of tax sales, or any other notice required to be published by law in a newspaper printed in this state, shall be deemed a legal notice, except the same be published in a newspaper printed in the English language."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 453.

[*Published May* 6, 1864.]

AN ACT to amend the charter of the New Diggings and Shullsburg mining company.

(*See supplement to local laws.*)

CHAPTER 454.

[*Published May* 6, 1864.]

AN ACT to amend section eighty-one of chapter thirteen of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTON 1. Section eighty-one of chapter thirteen of the revised statutes is hereby amended, by adding thereto the following words: "*Provided*, that no person shall be eligible to the office of district attorney who is not duly admitted and licensed to practice as an attorney by some court of record in this state."

Licensed attorney only eligible as district attorney.

Approved April 4, 1864.

CHAPTER 455.

[*Published May* 7, 1864.]

AN ACT to provide for the appraisal of certain school and university lands

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

School lands $1.25 per acre, and university lands $3 per acre.

SECTION 1. All school lands which have never been appraised, are appraised at the sum of one dollar and twenty-five cents per acre. All university lands which have never been appraised, are appraised at three dollars per acre.

SECTION 2. This act shall take effect as soon as published.

Approved April 4, 1864.

CHAPTER 456.

[*Published May* 7, 1864.]

AN ACT to revive and restore chapter one hundred and fifty of the revised statutes, entitled "of proceedings for the collection of demands against boats and vessels," and the act amendatory of said chapter, and to repeal chapter one hundred and fifty-one of the general laws of 1859.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Revived.

SECTION 1. [That] chapter one hundred and fifty of the revised statutes, entitled "of proceedings for the collection of demands against boats and vessels," and chapter ninety-nine of the acts of a general nature of 1858, amendatory of said chapter one hundred and fifty, be and the same are hereby revived, re-enacted and declared to be in full force.

Repeal.

SECTION 2. Chapter one hundred and fifty-one of the general laws of 1859, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 457.

[*Published April* 30, 1864.]

AN ACT to provide for the payment of rent of land occupied as Camp Sigel, in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The quartermaster-general of this state is hereby authorized and empowered to settle with A. L. Kane, upon his contract with this state, made and entered into on the 26th day of August, A. D. 1861; and if upon such settlement, any amount shall be found due to the said Kane upon the contract aforesaid, the quartermaster-general is hereby authorized to draw his warrant upon the treasurer of the state for such amount. Upon effecting the settlement herein provided for, the quartermaster-general shall require from the said A. L. Kane such releases, receipts and vouchers as will forever bar all claims of all parties or persons having an interest in said contract, from making any further claim upon the state thereupon, and as will enable the quartermaster-general to properly certify the same for adjustment by the general government. There is hereby appropriated out of any money in the state treasury belonging to the war fund not otherwise appropriated, a sum sufficient for the payment of the amount found to be due by the settlement herein provided for.

Quartermaster-general authorized to settle claim of A. L. Kane.

Appropriation.

Approved April 4, 1864.

CHAPTER 458.

[*Published May* 7, 1864.]

AN ACT relating to evidence in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever in an action now pending or hereafter commenced in any court in this state, for the [illegible]

Certain actions for recovery of [illegible]

value thereof, and in which action a sheriff, constable, coroner or other officer shall be defendant, and it shall appear upon the trial of said action that the defendant took or obtained possession of said property by virtue of any writ of execution or attachment against the goods and chattels of any person not a party to such action, and from whom the plaintiff claims to have derived his right to the possession of said personal property by mortgage, and that said personal property was taken by said defendant from the possession of the person or persons against whose goods and chattels said writ of execution or attachment issued, or from premises occupied or controlled by him, and it shall be alleged in the answer of the defendant, that the mortgage of said personal property by the person from whose possession the same was so taken to said plaintiff, was fraudulent or without consideration, and intended to hinder and delay the creditor or creditors of said person from whose possession the same was so taken, then and in every such case the burden of proof shall be upon the plaintiff to show that the same was given to secure an actual indebtedness, and the amount thereof, and the plaintiff shall also be required in every case to establish the fact that the transaction was in good faith.

SECTION 2. This act shall take effect from and after its publication.

Approved April 4, 1864.

CHAPTER 459.

[*Published May* 7, 1864.]

AN ACT to incorporate the Nimekogean bridge company.

(*See supplement to local laws.*)

CHAPTER 460.

[*Published May* 7, 1864.]

AN ACT to amend chapter twenty-two of the general laws of one thousand eight hundred and fifty-nine, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. Section sixteen of chapter twenty-two of the general laws of one thousand eight hundred fifty-nine, is hereby amended, by adding to such section the following words: "*Provided*, that before causing to be advertised for redemption such list of unredeemed lands, the clerk of the (*the*) board of supervisors shall carefully compare the county treasurer's advertised list of sales for delinquent taxes, with the treasurer's list of the same lands in his book of sales; and if upon such examination there be found any omission or erroneous description in said advertised list, such parcel of land in the description of which the omission or error shall occur, shall not be advertised for redemption, but the said clerk of the board of supervisors shall cancel the certificate of sale of said parcel of land, and shall return the corrected description of the same to the county treasurer, who shall readvertise and sell the same at the next ensuing sale of lands for unpaid taxes."

Before delinquent list is published, lists of treasurer and clerk to be compared, &c.

SECTION 2. Section twenty-five of said chapter is hereby amended, by adding at the end of said section the following: "*Provided*, that the clerk of the board of supervisors shall not issue a deed of any parcel of land until by carefully comparing the advertised sale list of lands for unpaid taxes and the advertised list of the same for redemption, with the treasurer's list of said lands in his book of sales, he shall [find] that the description of such parcel of land so to be conveyed has been correctly and fully published, both in such advertised list of sales and redemption; and if upon such examination, the clerk of the board of supervisors shall find any error or omission in any such advertised description, he shall enter opposite the description of said land in his book of sales, a statement of the fact of such error or omission; and it is hereby

Before tax deed issues, same lists to be compared, &c.

made the duty of the county board, in all such cases, to cause such certificate of sale of land so erroneously advertised, to be canceled, and to direct the county treasurer to correct the description thereof, and re-advertise and sell the same at the next ensuing sale, according to law, for unpaid taxes.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 461.

[*Published May 7, 1864.*]

AN ACT to legalize the proceedings of a special town meeting held on the first day of February, 1864, in the town of Hortonia, Outagamie county, for the purpose of raising bounties to volunteers, and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proceedings of meeting in Hortonia legalized.

SECTION 1. All the proceedings of a special town meeting held in the town of Hortonia, county of Outagamie, on the first day of February, 1864, for the purpose of raising money to pay bounties to volunteers, and also all the proceedings prior to and subsequently to such meeting, and connected therewith, and for the purposes aforesaid, are hereby declared to be legal and valid, notwithstanding all the requirements of the law have not been complied with.

Tax roll and warrant in town of Richfield legalized.

SECTION 2. The tax roll and warrant for the collection of taxes attached thereto, of the town of Richfield, Washington county, Wisconsin, made in pursuance of a special town meeting held on the 18th day of February, 1864, in said town, for the purpose of raising money for the payment of bounties to volunteers, is hereby legalized for all the purposes of the collection of said special taxes of said town, and for all other purposes whatever.

Time to collect tax in city of Kenosha extended.

SECTION 3. The treasurer of the city of Kenosha, in the county of Kenosha, shall have sixty days from the day the assessment roll and warrant annexed to the tax list issued under an act entitled "an act to author-

ize the city of Kenosha to offer and pay bounties to volunteers," approved February 16, 1864, shall have come to his hands, within which to collect the taxes contained in said list, and make his return of the tax warrant; and the common council of said city shall have power, and it is hereby authorized, to extend the time for the collection of such taxes for such period of time, not exceeding ninety days from the time said warrant shall be delivered to said treasurer, as said common council may deem necessary.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 462.

[*Published May* 7, 1864.]

AN ACT to annex a part of the county of Chippewa to the county of Burnett.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Townships detached from Chippewa and annexed to Burnett.

SECTION 1. All of townships numbers thirty-eight, thirty-nine and forty, of ranges numbers ten and eleven west, in the county of Chippewa, are hereby detached and set off from the county of Chippewa, and attached and annexed to the county of Burnett.

Repeal.

SECTION 2. All acts or parts of acts conflicting with this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 463.

[*Published May* 7, 1864.]

AN ACT to incorporate the Totogatic bridge company.

(*See supplement to local laws.*)

CHAPTER 464.

[*Published May* 7, 1864.]

AN ACT to amend section 216 of chapter 120 of the revised statutes, entitled "of courts held by justices of the peace."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town of Linwood may vote on question of aid to certain bridge.

SECTION 1. The town of Linwood, in the county of Portage, is hereby authorized to aid in the construction of a bridge across the Wisconsin river, in town twenty-four north, of range eight east, to the amount of one thousand dollars: *provided*, that no such aid shall be given until a majority of the voters of said town voting on the question, shall, at some regular town meeting, general election or special town meeting called for that purpose, vote to give such aid.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 465.

[*Published May* 7, 1864.]

AN ACT to legalize certain town orders issued by the board of supervisors of the town of Kewaunee, in the county of Kewaunee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Orders for bounties to volunteers legalized.

SECTION 1. The acts and proceedings of the board of supervisors of the town of Kewaunee, in the county of Kewaunee, in January, 1864, in issuing town orders for the payment of bounties to volunteers credited or to be credited upon the quota or quotas of said town of Kewaunee, are hereby legalized and declared valid for all purposes whatever; and the town orders so issued are and each of them is hereby declared to be a legal and valid claim against said town of Kewaunee, and shall be paid in the same manner as other town orders are paid.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 466.

[*Published May* 7, 1864.]

AN ACT to annex a part of the county of Douglas to the county of Burnett.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Townships detached from Douglas and annexed to Burnett.

SECTION 1. All of towns numbers forty-one and forty-two, of ranges numbers ten and eleven west, in the county of Douglas, are hereby detached and set off from the county of Douglas, and annexed and attached to the county of Burnett.

Repeal.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 467.

[*Published May* 6, 1864.]

AN ACT to prohibit any person from taking or receiving from any volunteer into the military service, any fee or reward for procuring for such volunteer extra bounty.

PREAMBLE.

Preamble.

WHEREAS, It has been represented that certain persons calling themselves town, village or city agents for procuring volunteers to fill the quotas of towns, villages and cities in this state, and for paying such volunteers the town, village or city bounties to which they may be entitled, are in the practice of taking for their services in procuring such bounties, or in the enlistment of men, exorbitant fees; and

WHEREAS, We believe that the public interest requires that our patriotic volunteers should be protected from the swindling operations of those so-called "agents," and that such volunteers and their families should be secured the avails of all bounties voted them in accordance with only [any] law or laws of this state: Therefore, we,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fee for obtaining bounty to volunteer not to exceed 3 per cent. of bounty.

SECTION 1. It shall not be lawful for any person or persons to take or receive, either directly or indirectly, from any volunteer in the service of the United States or this state, any fee or reward for procuring such volunteer the town, village or city bounty to which such volunteer may be entitled, which fee or reward shall exceed in value three per cent. of the bounty obtained.

No person filling the quota of a town, to receive any part of the volunteer's bounty.

SECTION 2. It shall not be lawful for any person or persons employed by any town, village or city, for any fee or reward, to fill the quota of such town, village or city, to take or receive, either directly or indirectly, any fee or reward for services in procuring the town, village or city bounty from any volunteer in the service of the United States or of this state, who may be credited to such town, village or city.

Penalty.

SECTION 3. Every person violating the provisions of either of the preceding sections, shall be deemed guilty

of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, with costs of suit, for each offense.

Jurisdiction of justice.

SECTION 4. Justices of the peace shall have jurisdiction to try and determine all cases arising under the provisions of this act: *provided*, that the defendant shall not be deprived of a jury trial, nor of his right to appeal, as in other cases; and all fines collected under the provisions of this act shall be disposed of by said justice as follows: One-half shall be paid to the complainant in the action, and the remaining half to the treasurer of the county in which the justice receiving the fine resides, to be by said county treasurer paid over to the state treasurer, and by him to be placed to the credit of the fund for the payment of families of volunteers.

Disposition of fines.

SECTION 5. This act shall take effect from and after its passage.

Approved April 4, 1864.

CHAPTER 468.

[*Published May* 7, 1864.]

AN ACT conferring upon the supervisors of the town of Wautoma, certain police powers in relation to fires, etc., in the village of Wautoma.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers in regard to fires conferred on supervisors.

SECTION 1. For the purpose of guarding against the calamities of fire in the village of Wautoma, the supervisors of the town of Wautoma, in the county of Waushara, shall have and exercise all the powers usually had and exercised by the trustees of incorporated villages; and for such purposes, they may prescribe limits within which buildings in said village shall not be erected, placed or repaired. They shall have power to prevent the dangerous construction and condition of chimneys, fireplaces, hearthstones, stovepipes, ovens, boilers and apparatus used in and about any buildings

in said village, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places, and to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires; to regulate and prevent the use of fireworks and firearms in said village, and to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

Powers to be exercised by means of ordinances.

SECTION 2. The powers hereinbefore conferred on said board of supervisors, shall be exercised by means of ordinances duly enacted. The style of all ordinances shall be as follows: "The board of supervisors of the town of Wautoma, do order and determine as follows." Every ordinance shall be signed by the chairman and clerk of said town, and published in some newspaper printed in said county, before the same shall take effect. Said board of supervisors may prescribe such penalty for a violation of their ordinances as they may deem proper: *provided*, that in no instance shall they prescribe a greater fine than fifty dollars, and no greater term of imprisonment than twenty days.

Penalties for violation of ordinances.

Jurisdiction of justices.

SECTION 3. Justices of the peace of the said town of Wautoma shall have jurisdiction over any offense against any ordinance enacted pursuant to the provisions of this act; and all fines recovered in such action shall be paid into the treasury of said town of Wautoma, to the credit of the general fund of said town.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 469.

[*Published May* 7, 1864.]

AN ACT in relation to the publication of annual report of superintendent of public instruction.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The superintendent of public instruction is hereby authorized to omit such statistical details from publication in his annual report, as he shall deem proper. Certain details may be omitted.

SECTION 2. The provisions of any law conflicting with this act, are hereby repealed.

SECTION 3. This act shall take effect when published.

Approved April 4, 1864.

CHAPTER 470.

[*Published May* 6, 1864.]

N ACT to amend section one of chapter fifty-one of the revised statutes, entitled "of the distraining of cattle doing damage."

he people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter fifty-one of the vised statutes, is hereby amended, so as to read as llows: "Section 1. It shall be lawful for the owner occupant of lands to distrain all beasts doing dame within his inclosure, and when any distress shall made of any beasts doing damage, the person disining shall keep such beasts in some secure place on premises or in some public pound in his town, city village, until his damages shall be appraised; and thin twenty-four hours after such distress, (unless the ne shall be made on Saturday, in which case, before Tuesday morning following thereafter,) he shall ap- to a justice of the peace, who shall appoint three Distraining of cattle and appraisal of damages.

disinterested freeholders of such town to appraise the damages."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 471.

[*Published April 5, 1864.*]

AN ACT to define the residences of certain soldiers from this state, in the military service of the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Residence not affected by taking bounty from any other town.

SECTION 1. No soldier's residence shall be deemed to be changed for any purpose whatever, by reason of his having received a local bounty from and having been credited upon the quota or quotas of a town, ward or city other than that in which such soldier actually resided at the time of volunteering; but for the purpose of exercising the right of suffrage in accordance with the provisions of chapter (11) eleven of the laws passed at the extra session of 1862, and chapter fifty-nine of the general laws of 1863, or either of said acts, and for all other purposes, every such soldier shall be deemed to be a resident of the town, ward or city in which he had a legal residence at the time of volunteering.

Copies of this act to be sent to each military company.

SECTION 2. It shall be the duty of the secretary of state to transmit three printed copies of this act to each military company from this state, as soon as practicable; and this act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 472.

[*Published May* 7, 1864.]

AN ACT for the relief of Marathon county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of fifteen hundred and ninety dollars, being the balance of the state tax unpaid by the county of Marathon, from the year 1852 up to the thirty-first day of December, A. D. 1860, which tax said county of Marathon was unable to collect, is hereby released, discharged and canceled, and the said county is hereby discharged from payment of the same: *provided*, that the county of Marathon shall pay to the state treasurer the balance of its indebtedness to the state, before this act shall take effect as to the remitting of the said fifteen hundred and ninety dollars. Release of unpaid state tax. Proviso.

Approved April 4, 1864.

CHAPTER 473.

[*Published May* 7, 1864.]

AN ACT to legalize the vote of a special meeting held in the town of Osceola, Polk county, on the 28th day of December, 1863, to raise money, by tax, to pay bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The special town meeting held on the 28th day of December, 1863, pursuant to public notice, in the town of Osceola, Polk county, for the purpose of voting to raise money, by tax, in said town, to pay bounties to volunteers, shall be deemed to have been legal in all respects, and the action taken by the voters at said meeting, shall be as binding as if said meeting had been called and conducted entirely according to law; and the town officers of said town are hereby authorized and required to levy and collect the tax so voted at said special town meeting, at any time after the pas- Proceedings legalized.

sage of this act, in the same manner as taxes voted at any town meeting duly called and held, are required by law to be levied and collected; and if said officers shall have collected or shall have proceeded to collect said tax in the manner directed by this act, the same shall be and is hereby declared legal.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 474.

[*Published May* 7, 1864.]

AN ACT to incorporate the Clam river bridge company.

(*See supplement to local laws.*)

CHAPTER 475.

[*Published May* 7, 1864.]

AN ACT to reduce the price of certain school lands therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Price reduced $230.

SECTION 1. The commissioners of school and university lands are hereby authorized and required to reduce the price of lots numbers fifteen and sixteen, in section sixteen, town three, range eighteen, by deducting the sum of two hundred and thirty dollars from the price fixed on said lots by section one of chapter two hundred and eighty-seven of the general laws of eighteen hundred and sixty-three: *provided*, that before the above described land shall be subject to entry at such reduced price, it shall first be offered at public sale, due notice of the time and place of such sale hav-

Lands first to be offered at public sale.

ing first been given in a newspaper published at the county seat of Walworth county.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 476.

[*Published May* 7, 1864.]

AN ACT relating to the La Crosse, Trempealeau and Prescott railroad company, and amendatory of section eight of chapter two hundred and eighty of the private and local laws of eighteen hundred and fifty-seven.

(*See supplement to local laws.*)

CHAPTER 477.

[*Published May* 7, 1864.]

AN ACT to amend chapter two hundred and forty-eight of the private and local laws of eighteen hundred and fifty-three, entitled "an act to incorporate the Fond du Lac and Mississippi railroad company," and the several acts amendatory thereto.

(*See supplement to local laws.*)]

CHAPTER 478.

[*Published May* 7, 1864.]

AN ACT to accept the grant of lands made to the state of Wisconsin, by the United States, to aid in the construction of a military road from Fort Howard, Green Bay, to the Michigan state line.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Grant accepted.

SECTION 1. The grant of lands accruing to the state of Wisconsin, under and by virtue of an act of congress granting lands to the states of Michigan and Wisconsin, to aid in the construction of a military road from Fort Wilkins, Copper Harbor, Keweenaw county, in the state of Michigan, to Fort Howard, Green Bay, in the state of Wisconsin, (*be and the same*) is hereby accepted, in accordance with the conditions and provisions contained in said act.

Commissioners to lay out road.

SECTION 2. Fred. S. Ellis, Joseph F. Lay, H. Naber, D. M. Whitney and Charles Fuller are hereby appointed commissioners, whose duty it shall be to lay out and establish, on the most eligible and direct route, a wagon road from Fort Howard, Green Bay, in the county of Brown, in the state of Wisconsin, and thence to such a point on the Michigan state line as they may agree upon, in connection with the commissioners appointed by the state of Michigan, in an act approved February 4th, 1864, for the purpose of laying out said road in the said state of Michigan.

Survey of road, &c.

SECTION 3. The said commissioners shall cause the proposed line of said road to be surveyed and proper grades therefor to be established, and plans and specifications for the necessary bridges and for the contract for construction to be made. The said road shall be laid out not less than four rods wide, and the road-bed constructed not less than twenty-two feet wide between the ditches, in the best practicable manner, the road to be well grubbed and cleared from stumps and stones.

Report, &c. to be sent to secretary of the interior.

SECTION 4. The said commissioners shall make a report signed by them, or a majority of them, of such survey, plans and specifications, and send it, with a map of the line or route of said road, to the governor of the state, who shall cause a certified copy thereof to be sent to the secretary of the interior of the United

States, with the request that the unsold lands within three miles of the said surveyed line, on either side thereof, be reserved from sale, and that the necessary amount of said lands in lieu of those sold, or on which pre-emptions have attached, be set apart as contemplated by said act of congress.

Letting of contracts for construction of road.

SECTION 5. When the survey, plans and specifications shall be complete, and the report thereof properly made, it shall be the duty of the said commissioners to advertise for the letting of a contract or contracts for the construction of such road or any section thereof, as they may deem expedient, according to the surveys and specifications adopted, and to let such contracts to the lowest responsible bidder, and to take charge of the construction of said road, and see that such contracts are properly performed. Such contracts shall be signed by said commissioners, but shall not be valid until a duplicate thereof shall be filed with the commissioners of the land office: *provided*, that no commissioner under this act, or any relation of any commissioner within three degrees of consanguinity, shall be interested, directly or indirectly, in any contract herein provided for.

Commissioners or relatives not to be interested in contracts.

Contracts payable only in lands, &c.

SECTION 6. All contracts made by virtue of this act shall be payable only in lands granted to the state by the act of congress hereinbefore mentioned, and no land shall be conveyed to any contractor until he has completed at least two consecutive miles of road according to his contract, to the satisfaction of the commissioners, and to be certified by them to the governor, upon which certificate the proper patents, in the usual form, shall be issued to such contractor or his assignee, for the amount of land awarded under his contract, in proportion to the length of road completed.

Notice of the letting of contracts to be published.

SECTION 7. Notice of the letting of such contracts shall be published by such commissioners, fixing a time and place for each letting, and stating how payment will be made, and a convenient place where maps, surveys and specifications, or copies thereof, may be seen by parties intending to bid, in one public newspaper printed in the city of Green Bay, in one newspaper printed at Shawano, and in one newspaper printed in the city of Milwaukee, for at least sixty days prior to the letting of such contracts.

Commissioners to take oaths.

SECTION 8. Each of the commissioners appointed by

virtue of this act shall, before entering upon his duties, take and subscribe to the oath of office prescribed by the constitution of this state, before any officer authorized to administer oaths, and transmit the same to the secretary of state, to be filed in his office. The said commissioners shall hold their office for four years, unless sooner removed by the governor, or by death or resignation. The governor shall have power to remove either of said commissioners for misconduct or neglect of duty, and to fill vacancies.

Their terms of office.

May be removed.

Per diem of commissioners.

SECTION 9. Each of said commissioners shall be entitled to receive for his services and personal expenses, three dollars for each day actually employed in the business of said road. They shall have power to appoint such number of assistants and procure such aid as shall be necessary, and to fix the pay and compensation therefor.

May appoint assistants.

Sale of school and university lands to pay expenses of survey, &c.

SECTION 10. When the line of said proposed road shall be surveyed and established, and the maps thereof shall be filed with the secretary of the interior, and the lands granted to this state for the said road shall be set apart, as contemplated in said act of congress, the governor may authorize and direct the commissioners of school and university lands to sell such part of the first thirty sections of land authorized by said act to be sold, as may be sufficient to raise the amount necessary to reimburse the state for expense of such survey, and compensation of the commissioners authorized by this act, and to pay the damages hereinafter mentioned, to be offered and sold in such manner as they shall deem for the public interest, except that they shall be sold for cash, and at not less than one dollar and twenty-five cents per acre.

Contractors to give bonds.

SECTION 11. Before any contract entered into by virtue of this act shall be valid, the contractor shall execute a bond with sufficient sureties, to the people of this state, in such penalty as the commissioners shall direct, with a condition for the faithful performance of his contract, according to the plans and specifications thereof, which bond shall be approved by the governor and filed with the secretary of state.

Powers of commissioners in laying out road.

SECTION 12. The said commissioners and their employees and assistants, in the locating, laying out and constructing of said road, shall have power to lay out and establish said road over any lands belonging to

this state, as also over any state, county or town roads or highways lawfully established by the county or town authority, and any bridge on such highways not a toll-bridge; but when it shall be necessary in opening and constructing said road, to take the land of any private person or owner, the said commissioners shall proceed to view the land so to be taken, and shall give the owners or their agents, if they are to be found on such land, such notice as they may deem reasonable, to be present at such view, and make such showing as they may desire touching the amount of damages to be sustained by such taking; and upon taking such view and hearing the showing of such owner or occupant, if he shall be present in person or by an agent, the commissioners shall estimate the amount of such damage, if any, and make and sign a certificate of their finding, describing the lands claimed to be damaged, and file the same in the office of the secretary of state; and if the same shall be approved by the governer, such damages shall be paid by the state treasurer on the warrant of the secretary of state, out of the military road fund created by this act, if there be any money belonging to the same.

Damages.

SECTION 13. The commissioners shall cause a map or plan of said road as surveyed and established through any county, to be recorded in the office of the register of deeds of such county.

Maps of road to be recorded.

SECTION 14. Such road when laid out and opened, and to such extent as work upon the same has been accepted as completed, is declared to be a public highway, and shall be, with the bridges thereof, kept in repair by the counties through which the same shall pass.

To be a public highway.

SECTION 15. No part of the fees, per diem or expenses of said commissioners shall be paid by the state, but the accounts of said commissioners shall be audited by the governor, upon the certificate of said commissioners, and the first proceeds of the sale of said lands shall be applied to the payment of said commissioners' accounts and expenses.

Expenses to be audited by the governor.

SECTION 16. The secretary of state shall, on this act being filed in his office, cause a certified copy thereof to be transmitted to the secretary of the interior.

Copy of this act to be transmitted to sec'y of interior.

SECTION 17. This act shall take effect and be in full force from and after its passage.

Approved April 4, 1864.

CHAPTER 479.

[*Published May* 7, 1864.]

AN ACT to annex a part of the county of Burnett to the county of Douglas.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Townships detached from Burnett and annexed to Douglas.

SECTION 1. All of townships number forty-three, of ranges numbers twelve, thirteen, fourteen and fifteen west, in the county of Burnett, are hereby detached and set off from the county of Burnett, and annexed and attached to the county of Douglas.

Repeal.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 480.

[*Published May* 7, 1864.]

AN ACT to authorize the county of Dunn to issue bonds for the erection of county buildings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bonds to amount of $12,000 may be issued.

SECTION 1. For the purpose of aiding in the erection of a court house and county buildings, the board of supervisors of the county of Dunn are hereby authorized to issue the bonds of said county of Dunn to an amount not exceeding the sum of twelve thousand dollars, which bonds, or the proceeds thereof, shall be applied in defraying the expenses of erecting a court house and county buildings in the county of Dunn, and for no other purpose whatever.

Denomination of bonds, interest, where payable, and how signed.

SECTION 2. Said bonds shall be of the denominations of one hundred, five hundred and one thousand dollars, respectively, in such proportions as the board of supervisors shall deem proper, with coupons attached for the

payment of interest, at a rate not exceeding seven per centum per annum, and both principal and interest shall be made payable within a period not to exceed twelve years, at the Corn Exchange bank in the city of New York, and shall be executed by the chairman of the board of supervisors of said county, and countersigned by the clerk of said board, and shall have the seal of said county thereto affixed.

Annual tax to pay interest.

SECTION 3. The board of supervisors of said county shall annually levy a tax on all the taxable property in said county, sufficient to pay the interest on all the said bonds which at the time of levying the said tax shall be outstanding, and the principal of so many of said bonds as shall mature and become payable in each year, which tax shall be called the county buildings' tax, and shall be paid in money or in the bonds and coupons then due and payable; and the said bonds and coupons whenever they shall be due and payable, shall be receivable in payment of any tax due to said county, in like manner as county orders.

Coupons receivable for taxes.

Record of bonds.

SECTION 4. The clerk of the board of supervisors of said county shall keep a faithful record of the bonds of said county which may be issued under the provisions of this act, which record shall contain a statement of the number of bonds issued, and to whom, and the amount of each, respectively, and to whom [when] they will mature, and the rate of interest thereof, which record shall be open to the inspection of the public at any reasonable hour.

Act to be favorably construed.

SECTION 5. This act shall be favorably construed to effect the purposes intended to be accomplised, and is hereby declared a public act, and shall be printed on a fly leaf attached to the bonds authorized to be issued under the provisions hereof.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved April 4, 1864.

CHAPTER 481.

[*Published April* 18, 1864.]

AN ACT to reduce the expenses of the courts of Milwaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Number of names yearly lists of jurors to contain.

SECTION 1. The list made out each year by the board of county supervisors of Milwaukee county, of persons selected as properly qualified to serve as petit jurors, shall embrace one thousand two hundred persons, instead of the number now prescribed by law, and three hundred persons shall be selected as grand jurors for the municipal court.

Number of petit jurors to be drawn weekly for circuit and county courts.

SECTION 2. The number of petit jurors drawn for each term of the circuit or county court in said county, shall be thirty for each week during which their services will be required in the term for which the jurors are drawn, to be determined by the judge of such court, or in case of his failure so to do, then by the clerk: *provided*, that said judge may, in his discretion, order a larger number of jurors, not exceeding thirty-six for each week, to be so drawn, and may, during the term, direct additional jurors to be summoned as talesmen, when necessary. Grand and petit jurors for the municipal court shall be drawn for such terms as the judge of that court shall direct, or in case he omit so to direct, then at such terms as the clerk shall think proper, in order that each set of jurors drawn may serve during consecutive terms for six days, and no more in the whole during one year, as nearly as practicable: *provided*, that no jurors in the municipal court shall be discharged before the conclusion of the term, on the ground of having completed such period of service during the term.

Judge may order larger number to be drawn.

Jurors for municipal court.

Not to be discharged until term closes.

Jurors to be classified, &c.

SECTION 3. The jurors for the circuit court or county court shall be drawn for each week in the term, being divided into classes for that purpose, and shall be summoned to appear at such court on Monday of the week for which they shall be respectively drawn, at ten o'clock in the forenoon, one class for each week, and shall be discharged at the end of such week, except when actually empaneled on a trial, in which case those

so empaneled shall be discharged at the conclusion of such trial. No person who shall have served six days as a grand or petit juror for the municipal court, or for one week as a petit juror in the circuit or county court, shall be compelled to serve as grand or petit juror again during the same calender year, either as talesman or otherwise, except as hereinabove specified.

To serve but one week per year.

SECTION 4. Each petit juror shall be entitled to twenty-five cents for each trial on which he shall be empaneled and sworn in the circuit or county court of said county, which sum shall be paid by the plaintiff before the jury shall be sworn; and if he shall neglect to pay the same, the defendant may pay it, or the court shall dismiss the complaint and render such judgment in favor of the defendant as may be just and proper. Such jury fee shall be taxable as costs in the action, and shall be in lieu of the amount required to be paid by the plaintiff to the clerk, under section 33 of chapter 133 of the revised statutes. Each grand juror shall receive fifty cents per day. Each petit juror empaneled and sworn in a criminal trial in said circuit or municipal court, shall receive fifty cents per day during such trial, to be paid as heretofore. Each petit juror residing out of the city of Milwaukee, attending either of said courts, shall also receive ten cents for each mile traveled each way in going and returning by the most usual route, to be paid as heretofore. No other compensation shall be paid to grand or petit jurors in either of said courts, than as herein provided.

Fees and mileage of jurors.

SECTION 5. The sheriff of said county shall be entitled to receive for summoning each grand or petit juror, twelve and a half cents only for each one named, and travel fees for the distance actually and necessarily traveled in serving the summonses.

Sheriff's fees for summoning jurors.

SECTION 6. It shall not be necessary to publish in a newspaper the names of persons selected by the supervisors as qualified, or of those drawn as grand or petit jurors for either of said courts, and such publication shall not be made at the expense of said county.

Names of jurors need not be published.

SECTION 7. The said board of supervisors shall proceed to select such grand and petit jurors, and make out a list thereof, at any regular or special meeting after the passage of this act, and thereafter at the periods now fixed by law. Such lists shall be returned to the clerks of said courts as soon as made, and until they shall be

Selection of jurors.

established, upon executing a bond to such sheriff and his assigns, as prescribed in the next section.

Penalty of bond.

SECTION 4. Such bond shall be executed by the prisoner and one or more sufficient sureties, being inhabitants and householders of the county, in a penalty which shall be as follows: 1st. It shall not be less than double the amount of the sum in which the sheriff was required to hold the defendant to bail, if he be in custody on mesne process, or order of arrest, or be surrendered in exoneration of his bail, before judgment docketed against him; 2d. It shall not be less than double the amount directed to be levied by the execution or attachment, if he be in custody upon attachment or execution; 3d. It shall not be less than double the amount for which judgment shall have been rendered against him, if he be surrendered after judgment docketed.

Condition of bond.

SECTION 5. Such bond shall be conditioned, that the person so in custody of such sheriff, shall remain a true and faithful prisoner, and shall not at any time or in any manner escape or go without the limits and boundaries of the liberties established for the jail of such county, until discharged by due course of law.

Validity of bond, &c.

SECTION 6. Every such bond taken for the liberties of any jail, shall be valid, and shall be held for the indemnity of the sheriff taking the same, and of the party at whose suit the prisoner executing such bond shall be confined.

Sheriff may require new sureties.

SECTION 7. If a sheriff who shall have taken any such bond for the liberties of any jail, shall discover that any surety to such bond is insufficient, he may commit the prisoner who executed the same to close confinement in such jail, until other good and sufficient sureties shall be offered.

Surrender of principal by sureties.

SECTION 8. The sureties in any bond given for the liberties of any jail, may surrender their principal at any time before judgment shall have been rendered against them on such bond, but such bail shall not be exonerated thereby from any liability incurred before the making of such surrender.

How surrender may be made.

SECTION 9. Such surrender may be made as follows: The bail may take their principal to the keeper of the jail, and upon the written requirement of such bail, the keeper shall take such principal into his custody, and thereupon indorse upon the bond given for the limits,

an acknowledgment of the surrender of such principal; and such keeper shall also, if required, give the bail a certificate acknowledging such surrender.

Use of the liberties of jail, not an escape.

SECTION 10. The going at large of any prisoner who shall have executed such bond, or of any prisoner who would be entitled to the liberties of any jail upon executing such bond, within the limits of the liberties of the jail of the county in which he shall be in custody, shall not be deemed an escape of such prisoner; but in case any such prisoner shall go at large without the jail liberties of such county, without the assent of the party at whose suit such prisoner shall be in custody, the same shall be deemed an escape and forfeiture of the bond so executed; and the sheriff in whose custody such prisoner shall have been, shall have the same authority to pursue and retake such prisoner as if such escape had been made from the jail.

What deemed an escape.

Plea of defendants in suit brought on bond.

SECTION 11. In every suit brought by a sheriff on such bond, the defendants may plead a voluntary return of the prisoner to the jail from which he escaped, or the liberties thereof, or the recapture of such prisoner by the sheriff from whose custody he escaped, before the commencement of such suit, and may give evidence thereof in bar of such action; and such defendants shall be entitled to make such or any other defense to such suit which might be made by such sheriff to an action against him for such escape.

In case of escape, sheriff may recover against prisoner and his sureties.

SECTION 12. But if an action shall have been brought against such sheriff for such escape, and due notice thereof shall have been given to the prisoner and his sureties who executed the bond for the jail liberties, the judgment against such sheriff shall be conclusive evidence of his right to recover against such prisoner and his sureties, to whom such notice was given in the action on such bond, as to all matters which were or might have been controverted in the action against the sheriff.

When judgment to be rendered in such action.

SECTION 13. In every such action brought by a sheriff on a bond executed for the jail liberties, if it shall appear to the court that judgment has been rendered against such sheriff for the escape of the prisoner, and that due notice of the pendency of the action against the sheriff was given to the prisoner and his sureties, to enable them to defend the same, such court shall render judgment in the suit upon such bond at the

same time in which the writ by which such action shall be commenced, shall be returned served.

Filing complaint and notice of motion.

SECTION 14. But to entitle any sheriff to move for such judgment, he shall have filed a complaint, and shall show to the court that he had given twenty days' notice of such motion.

When proceedings to be suspended.

SECTION 15. If it shall appear on the hearing of such motion, that the defendants have any meritorious cause of defense, which was not controverted in the action against the sheriff, and which by law could not have been so controverted, the court shall suspend proceedings on such judgment until a trial in such action be had, but such judgment shall remain as a security for the sheriff.

When judgment shall be vacated.

SECTION 16. If such defense be established, the court shall vacate such judgment and render judgment as in other cases.

Costs and expenses.

SECTION 17. In every action brought by a sheriff on such bond, the recovery of a judgment against him for the escape of the prisoner, shall be evidence of the damages sustained by him, in the same manner as if such judgment had been collected, and such sheriff shall be entitled to recover the costs and his reasonable expenses in defending the suit against him, as part of his damages.

Assignment of bond.

SECTION 18. If any such bond shall be forfeited, the party at whose suit the person executing the same shall have been confined, or in case of his death, the executors or administrators of such party, shall be entitled to an assignment thereof, which shall be made by the sheriff taking the same, or in case of a vacancy in his office, by his under sheriff, by an indorsement on such bond, executed in the presence of one or more witnesses.

Assignee may maintain action, &c.

SECTION 19. The party to whom such assignment shall have been made, may maintain an action on such bond, as assignee of the sheriff taking the same, in the same cases in which such action might be maintained by such sheriff, and upon obtaining judgment therein, he shall recover damages for such breaches of the condition as shall have been assigned by him, as follows: 1st. If the prisoner escaping was confined by virtue of an execution, or by virtue of an attachment for non-payment of costs, the measure of the plaintiff's damages shall be the amount directed to be levied by such

execution or attachment, with interest thereon to the time of such recovery. 2d. If the prisoner was confined by virtue of a *capias ad respondendum*, or order of arrest, or upon a surrender in exoneration of his bail, made before or after judgment rendered against him, the plaintiff shall recover only the actual damages sustained by him.

Acceptance of assignment, bar to action against sheriff.

SECTION 20. The acceptance of an assignment of any such bond, shall be a bar to any action by or on behalf of the party receiving such assignment, against the sheriff or other officer making the same, for any escape by the prisoner executing such bond, amounting to a breach of such bond.

Defense of defendants.

SECTION 21. In every action brought by the assignee of such bond, the defendants shall be entitled to plead a voluntary return of the prisoner to the liberties of the jail before the commencement of such action, in bar thereof, and to make any defense which they would be entitled to make if such action had been brought in the name and for the benefit of the sheriff to whom such bond was executed.

Stay of proceedings against sheriff.

SECTION 22. In case the party at whose suit any person shall have been confined to the liberties of a jail, shall refuse or neglect to take an assignment of the bond executed by such person, as hereinbefore provided, and shall prosecute any sheriff for the escape of such person, the court in which such action shall be pending shall by order stay all the proceedings upon the judgment against such sheriff until he shall have had a reasonable time to prosecute the bond taken by him, and to collect the amount of any judgment he may recover thereon.

Not applicable.

SECTION 23. But the last preceding section shall not extend to authorize such stay of proceedings in any action where the judgment shall have been recovered against any sheriff for any escape committed with the assent, aid or assistance of such sheriff.

SECTION 24. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

JOINT RESOLUTIONS.

NUMBER 1.

JOINT RESOLUTION of thanks to our Wisconsin soldiers, and deploring the loss of our heroic dead.

WHEREAS, Wisconsin feels a just pride in the bravery and patriotism of her heroic sons in our national army, while she deeply mourns the loss of her gallant dead who have fallen in the present great struggle in defense of the union and constitution: Therefore,

Resolved by the senate, the assembly concurring, That the warmest thanks of the people of the state of Wisconsin are hereby gratefully tendered to all Wisconsin soldiers in the union army, for the bravery which has distinguished them in every battle in which they have been engaged; for the upright and soldiery conduct which they have displayed upon all occasions; for the alacrity with which our veterans have re-enlisted, to aid in the completion of the work, so nobly begun, of suppressing the rebellion and restoring the union, and for the devoted patriotism which has signalized their conduct at all times, and under all the trying vicissitudes of war.

Resolved, That while we thus gratefully acknowledge the meritorious conduct and services of the living, we most deeply mourn the loss of the heroic dead who have laid down their lives in defense of the republic, and hold their memory in most grateful recollection, while throughout the glorious future that awaits us, we may confidently hope that whenever their names and glorious achivements shall be mentioned, envy will be dumb, pride will bow her head in involuntary reverence, and piety will breathe forth the prayer of eternal gratitude.

Resolved, That the governor be and he is hereby requested to forward copies of the foregoing preamble and resolutions, properly authenticated, to each of the Wisconsin regiments and batteries of artillery.

Approved March 9, 1864.

NUMBER 2.

JOINT RESOLUTION relative to the extension of time for the payment of government bounties to volunteers.

WHEREAS, The time limited for the payment of bounties to volunteers, by the government, expires on the first day of March, 1864, and the quotas required to be furnished by the state of Wisconsin, under the late calls of the president, are not yet filled; and

WHEREAS, Under the patriotic action of the people, the business of recruiting has been going forward for several weeks past, and is now going on, with much vigor, and recruits are coming forward as rapidly as they can be conveniently mustered into service or provided with camp accommodations, and there is good reason to believe that if the payment of bounties shall be continued for a few weeks longer, the full number of soldiers required from this state will be supplied, and the necessity for a draft will be obviated: Therefore,

Resolved by the assembly, the senate concurring, That the senators and members in congress from this state, be requested to use all possible exertions to procure an extension of the time for the payment of bounties to volunteers in and for the state of Wisconsin, until the first day of April, 1864.

Approved February 26, 1864.

NUMBER 3.

JOINT RESOLUTION relative to railroads running from Sioux City to Hudson, on the St. Croix lake, and asking congressional aid therefor.

WHEREAS, The government of the United States has granted to the state of Kansas and to the territory of Nebraska, certain aid for railroads therein, forming branches to and connecting the through Pacific road; and

WHEREAS, It is material and important to the prosperity of the Pacific road, that roads running from Sioux City to Lake Superior should be speedily built, thus developing the rich and uncultivated resources of the states of Iowa, Wisconsin and Minnesota; and

WHEREAS, In a military point of view, the fact that, in case of a war with England, the short Sault Saint Marie canal, the only connection Lake Superior has with the great chain of lakes, would be in great danger of being rendered unnavigable, thus compelling

the mining population of the sttlements on the lakes, to abandon the country; and

WHEREAS, The settlers of the region thus to be developed, are now constantly threatened by hostile and semi-hostile bands of Indians, whose presence would cease with the immigration that must follow the completion of such roads: Therefore, be it

Resolved by the assemby, the senate concurring, That our senators and representatives in congress are hereby instructed to use their most earnest endeavors to procure the same aid to the railroad companies running from Sioux City, in the state of Iowa, through St. Paul, to Hudson, on the Saint Croix lake, and from thence to Superior or Bayfield, on Lake Superior, that congress has heretofore granted to roads in the state of Kansas and territory of Nebraska.

Resolved, That a copy of the foregoing preamble and resolution, duly authenticated, be transmitted by the secretary of state to the president of the senate and speaker of the house of representatives of the United States, with the request that the same be laid before their respective houses.

Approved February, 26, 1864.

NUMBER 4.

JOINT RESOLUTION relative to the vigorous prosecution of the war, the duty of congress and the people, tendering thanks to the army and navy, and suggesting the renomination of Abraham Lincoln.

Resolved by the assembly, the senate concurring, That as our country and the very existence of the best government ever instituted by man, are imperiled by the most causeless and wicked rebellion the world has ever seen, and believing, as we do, that the only hope of saving the county and preserving the government, is in the power of the sword, we are for the most vigorous prosecution of the war, until the constitution and the laws shall be enforced and obeyed in all parts of the United States; and to that end, we oppose any armistice, intervention or mediation from any source whatever, so long as rebels are found in arms against the government; and we ignore all party lines, names and issues, and recognize but two parties, *patriots* and *traitors*.

Resolved, That we hold it to be the duty of congress to pass all necessary bills to supply men and money, and the duty of the people to render every aid in their power to the constituted authorities

of the government, in crushing the rebellion and bringing the leaders thereof to condign punishment.

Resolved, That our thanks are due, and are hereby tendered to our army and navy for their gallanty in defending and upholding the flag of our country, and principles dear to every patriotic heart.

Resolved, That we recognize in Abraham Lincoln, president of the United States, a statesman of liberal and enlarged views, great ability and unswerving integrity; and if the wishes of the people of the state of Wisconsin are complied with by the national union convention that assembles to nominate a candidate for the presidency, Abraham Lincoln will again be nominated.

Approved March 5, 1854.

NUMBER 5.

JOINT RESOLUTION relative to the Niagara ship canal.

Resolved by the assembly, the senate concurring, That, whereas, the vast and rapidly increasing products of the western states require additional means of water communication between Lake Erie and the seaboard; and, whereas, the safety of the commerce and commercial cities of the upper lakes, as well as the security and independence of the government, demand a channel whithin our own lines adequate for the passage, in times of war, of war vessels between those lakes and the Atlantic ocean—we deem the Niagara ship canal a work of unqualified national character, and of great military and commercial importance, and we invoke for its construction, in preference to any work of its kind, the active aid of congress at the earliest period when the condition of the national finances shall admit of the expenditure.

Approved March 18, 1864.

NUMBER 6.

JOINT RESOLUTION relative to the Northwestern ship canal convention.

WHEREAS, The house of representatives of the state of Iowa, by resolution duly authenticated under the seal of said state, through the Hon. W. J. Gilchrist, one of its members, has transmitted to the legislature of Wisconsin an invitation to attend the

Northwestern ship canal convention, appointed to meet in the city of Dubuque, on the first Wednesday of May next; and

WHEREAS, The object of said convention, in our estimation, is one of not only vital present and increasing importance to the great commercial interests of our own state, and an imperious necessity to a speedy and full development of the great resources of our sister state of Iowa and of the entire northwest in times of peace, but one which in times of war may be developed into a speedy, cheap and sure means of defense to populous cities and thousands of miles of now almost defenseless frontier: Therefore,

Resolved by the senate, the assembly concurring, That we hail with much gratification so vigorous a manifestation in behalf of so worthy and patriotic an object by our sister state, and hereby recommend that as many of the members of this legislature as conveniently can, as well as of other citizens throughout the state, attend said convention; and we hereby pledge our sympathy and hearty co-operation in all that can contribute to secure success to the result of its enlightened deliberations.

Resolved, That we tender to the house of representatives of the state of Iowa, and the friends of this movement, our thanks for the privilege of thus participating in the promotion of an interest of such stupendous magnitude, and of such vital and enduring interest to our own state, the northwest and to our common country.

Resolved, That the clerk of the senate be directed to transmit to the Hon. W. J. Gilchrist, at McGregor, Iowa, an engrossed copy of the foregoing preamble and resolutions, duly authenticated by the secretary of state, to be by him presented to the house of representatives of Iowa, and to the said canal convention, if he shall deem it advisable.

Approved April 4, 1864.

MEMORIALS.

NUMBER 1.

MEMORIAL to congress for the increase of the pay of the soldiers and sailors in the service of the United States.

To the honorable the senate and house of representatives of the United States, in congress assembled.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the unjust and unholy war commenced and waged by the south against our union, as well as against republican institutions, has been so far successfully resisted; that a united effort, if now made on the part of the north, must shortly result in the accomplishment of the object for which the freemen of the northern states first buckled on their armor. It is clear to your memorialist that the issues now submitted to the arbitrament of the sword, are of the most vital importance to the cause of civil liberty throughout the world, and for all time to come; and that, should the north now fail in securing the object for which the contest is being carried on by its patriotic zeal, the ruin of both sections will be the inevitable result. It would be an anomoly in the history of the world, if the north and the south, once disunited, would remain for more than a brief period at peace; and the history of all former times presents a positive proof, that the results of such severance and opposing nationalities, would be a continued war, resulting, as a final consequence, in a military despotism, to which the people of both sections would resort, as a shield from endless conflict or anarchy. All of the most valued results of the experience of the past, in arts and science, agricultural improvement, commercial enterprise, and all those elements of national prosperity and advancement arising from long years of peace, must suffer an calculable injury from a needless prolongation of the strife now ng carried on. If the cause of republican government now tri- phs, it is a triumph for all time. If we fail in the great strug- , the cause of republicanism will be greatly endangered, if not

forever lost, and monarchical institutions fastened upon the nations of the world, while a history of the decline and fall of the great republic, shall last as a warning to all countries and peoples of the future.

It is unnecessary to dwell on the evils which must be apparent to every reflecting mind, and the only question presented to the people of the north at this time, is the means to be adopted best calculated to insure the desired result.

Your memorialists respectfully represent to your honorable body, that in their judgment the first great object to be attained is the defeat and dismemberment of the organized armies of the rebellion, so that the [they] may never again be reunited as a force antagonistic to the government of the United States.

To this end, the loyal states should exert all of the power possible to be brought in requisition to effect it, and through the efforts of its own forces alone, can this be secured. Believing that one of the means most clearly adequate to the rapid organization of armies sufficient to overcome those of the so-called southern confederacy, is in an increase of the pay of the soldier—the new recruit as well as the tried veteran of many fiercely contested battles—we would most respectfully represent to your honorable body the necessity existing for the passage of an act by the congress of the United States, granting to our non-commissioned officers, musicians and privates, sailors and marines, an increase of their monthly wages.

Be it therefore resolved by the senate, the assembly concurring, That the governor be and he is requested to forward a copy of the above memorial to each of our senators and representatives in the congress of the United States, and to the chief clerks of the senate and house of representatives.

Approved February 23, 1864.

NUMBER 2.

MEMORIAL to congress for a mail route from Barton to Young America, in the county of Washington, state of Wisconsin.

To the honorable senate and house of representatives of the United States, in congress assembled.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the interest and convenience of a large population would be greatly enhanced by the extension of mail route number 13,-

035, running from Station postoffice, on the Milwaukee and Minnesota railroad, through the village of West Bend, to the village of Barton, in the county of Washington, in the state of Wisconsin, from the said village of Barton to the village of Young America, in the county and state aforesaid, being the distance of about one and one-half miles. That if it be consistent with law, and meets the approval of your honorable body, responsible parties will transport the mail over said route, when so extended, for the avails of a postoffice, if one shall be established at said Young America.

Approved February 22, 1864.

NUMBER 3.

MEMORIAL to congress in relation to the unsurveyed lands of the state.

To the honorable the senate and house of representatives of the United States, in congress assembled.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That it is greatly to the interest of the state of Wisconsin that all the land within its borders be open to settlement; and believing that emigration to the northern part of the state would be greatly increased if the lands were all surveyed and in market for settlement, either by purchase or under the provisions of the homestead bill:

Your memorialists therefore respectfully, but earnestly, ask your honorable body to cause all the unsurveyed lands in the state to be surveyed and brought into market at the earliest day practicable. The governor of the state is hereby requested to furnish each senator and representative in congress from this state, with a copy of the foregoing memorial.

Approved March 2, 1864.

NUMBER 4.

MEMORIAL to congress for a mail route from the city of Fond du Lac, in the county of Fond du Lac, to Stockbridge postoffice, in the county of Calumet.

The people of the state of Wisconsin, represented in senate and assembly,

To the senate and house of representatives of the United States, in congress assembled, respectfully represent:

That a mail route is much needed from Fond du Lac, in the county of Fond du Lac, to Stockbridge postoffice, in the county of Calumet. The distance is twenty-four miles, upon a road known as the old United States military road, running through a country thickly settled by an intelligent and industrious people.

The Stockbridge postoffice, although the most important office in Calumet county, is now supplied with its mail matter by way of Chilton, at which place there is a delay of about thirty hours, although but nine miles distant from a general mail route.

It is a route on which there is much travel, and the chance of remunerating receipts for the carriage of passengers would greatly facilitate the letting of a "cheap contract for carrying the mail" over it, inasmuch as that, during the last past two years, a two-horse conveyance, running irregularly, has been liberally supported, and has made three trips weekly from Fond du Lac city to Stockbridge and back, for the purpose of carrying passengers.

Your petitioners, therefore, respectfully ask that a tri-weekly post route be established between the aforementioned places; and your petitioners, as in duty bound, will ever pray.

Approved March 2, 1864.

NUMBER 5.

MEMORIAL for a tri-weekly mail route from the city of La Crosse, in La Crosse county, to Viroqua, in Vernon county.

To the honorable the senate and house of representatives of the United States, in congress assembled.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the interest and convenience of a large number of inhabitants of the counties of La Crosse and Vernon, in the state of Wisconsin,

would be greatly enhanced by the establishment of a tri-weekly mail route from the city of La Crosse, Greenfield, Breckenridge and Springville, to the village of Viroqua, in Vernon county, in this state.

Your memorialists respectfully ask that said mail route be established, as aforesaid, at the earliest practicable period.

Approved March 18, 1864.

NUMBER 6.

MEMORIAL to the postmaster-general for increase of mail service from Portage City, in the county of Columbia, by way of Packwaukee, Westfield, &c., to the village of Wautoma, in the county of Waushara.

This memorial of the legislature of the state of Wisconsin, respectfully represents:

That at present, the mail service between Portage City and Wautoma, by way of Packwaukee and Westfield, is entirely inadequate to the wants of the people, and, therefore, we would ask you to increase the said service, by establishing a tri-weekly mail over said route, known to your department as mail route number 13,088, and that said service be established at your earliest convenience.

Approved March 18, 1864.

NUMBER 7.

MEMORIAL to congress for a mail route from Rising Sun, in Crawford county, through the town of Freeman, via Rush creek, to De Soto, in Vernon county.

To the honorable the senate and house of representatives of the United States, in congress assembled.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the town of Freeman, in the county of Crawford, in this state, has a loyal population of about eight hundred inhabitants, and that there is not a postoffice in said town; that some of the inhabitants are compelled to travel nine miles to reach a postoffice; that the interest and convenience of this population would be greatly

enhanced by the establishment of a mail route from Rising Sun, in Crawford county, through the town of Freeman, via Rush creek, to De Soto, in Vernon county.

Your memorialists would further represent, that the necessities of the people of said town, and in towns adjoining, require that there should be a semi-weekly mail upon said route.

Your memorialists would respectfully ask that said mail route be established at the earliest practicable period.

Approved March 18, 1864.

NUMBER 8.

MEMORIAL to congress for an appropriation or grant of land, to aid in the construction of the Southern Minnesota railroad.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the Southern Minnesota railroad, starting from La Crescent, in the county of Houston, state of Minnesota, is a work of great national importance, and will open to settlement a large extent of country that is now a great distance from navigable waters or from railroad facilities; that the country between the Mississippi and Missouri rivers is capable of sustaining an immense population, and the settlement thereof is greatly retarded for the want of a railroad as a continuace of the Milwaukee and St. Paul railway, to a point on the Missouri river where it will reach a branch of the Pacific railroad; that, as a great through route for our sister state, and as a part of the railroad system of the west, we believe the Southern Minnesota railroad is entitled to the fostering care of congress.

Therefore, your memorialists respectfully ask that a grant of lands to the Southern Minnesota railroad company be made, that will aid the said company in vigorously pushing to completion their road.

The governor of this state is hereby requested to transmit a copy of this memorial to each of our senators and representatives in congress.

Approved March 22, 1864.

NUMBER 9.

MEMORIAL to congress for an extension of the mail route from Ephraim to Washington Harbor, in Door county.

To the honorable the senate and house of representatives of the United States, in congress assembled.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the interests and convenience of a large number of inhabitants of the county of Door, in this state, would be greatly enhanced by an extension of the present mail route number 13,184, from the postoffice at Ephraim to the postoffice at Washington Harbor, in Door county, in this state.

Your memorialists respectfully ask that the extension of said mail service may be ordered at the earliest practicable period.

Approved March 29, 1864.

NUMBER 10.

MEMORIAL to congress concerning Stockbridge lands, in Calumet county, state of Wisconsin.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That patents have been withheld from some of the purchasers of certain lots or parcels of land purchased from the Stockbridge Indians, in conformity with an act of congress approved March 3d, 1843; that the withholding of said patents from said purchasers, subjects them to great annoyance; that the uncertainty of title to aforesaid lands, retards improvements, and is therefore injurious to the occupants thereof and to the public. Your memorialists therefore ask congress to pass a law requiring the immediate issue of patents for said lands.

Your memorialists would further represent, that the residents of the town of Stockbridge, in Calumet county, state of Wisconsin, are settlers upon lands of the Stockbridge reservations, and that the increased valuation of said lands is the result of their own labor and the expenditure of their own money in making improvements; that it would be imposing a tax on their own indus-

try to charge them a higher rate for said lands than other public lands are sold for. Your memorialists, therefore, would respectfully ask your honorable body to pass an act authorizing the sale of said unsold lands, and fixing the price of the same at one dollar and twenty-five cents per acre, or such other reasonable sum as your honorable body may deem reasonable and just.

The governor of the state of Wisconsin is hereby requested to transmit a copy of this memorial to each of our senators and representatives in congress.

Approved April 1, 1864.

NUMBER 11.

MEMORIAL to the postmaster-general for a weekly mail route from Durand, in Pepin county, via Menomonee, in Dunn county, to Chippewa Falls, Chippewa county.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the interests and convenience of a large population, would be greatly enhanced by the establishment of a weekly mail route from the village of Durand, in Pepin county, via Waubeek, Dunnville, Downsville, Menomonee, 18 Mile Creek, Running's Valley, Cook's Valley, and Bloomer Prairie, to Chippewa Falls, in Chippewa county.

Your memorialists would respectfully ask that the said mail route be established as aforesaid, at the earliest practicable period.

Approved April 1, 1864.

NUMBER 12.

MEMORIAL to the postmaster-general for a semi-weekly mail route from Falls Saint Croix, in the county of Polk, to Wood river, in the county of Burnett, and for an increase of service on route number 13,171, from Hudson, in the county of Saint Croix, to Falls Saint Croix, in the county of Polk, by the way of Osceola, the county seat of said county of Polk.

To the honorable the senate and house of representatives, in congress assembled.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the interests and convenience of a large number of the inhabitants of the counties of Saint Croix, Polk, Burnett and Douglas, require the establishment of a semi-weekly mail route from Falls Saint Croix, in the county of Polk, by the way of Andersons, in said county of Polk, to Wood river, in the county of Burnett; and that the interests and convenience of a large number of inhabitants of said counties require an increase of winter service on the present semi-weekly route from Hudson, in the county of St. Croix, through Osceola, the county seat of said county of Polk, to a tri-weekly service.

Your memorialists would therefore respectfully ask that the said mail route be established and the said increase of service be made at as early a period as possible.

Approved April 1, 1864.

NUMBER 13.

MEMORIAL to congress for a mail route from Wausau, Marathon county, to Ontonagon, state of Michigan.

To the honorable the senate and house of representatives of the United States, in congress assembled.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the interest of the state of Wisconsin, and especially the interest of the inhabitants of the valley of the Wisconsin river, require that a mail route be established from Wausau, in Marathon county, to Ontonagon, in the state of Michigan.

Your memorialists would therefore respectfully ask that the aforesaid mail route may be established, and that the service be put on said route at as early a day as practicable.

Approved April 1, 1864.

NUMBER 14.

MEMORIAL for the passage of laws tending to encourage foreign immigration to the United States.

To the honorable the senate and house of representatives, in congress assembled:

Your memorialists respectfully call the attention of congress to the urgent necessity now existing for the encouragement of foreign immigration to our country, in order to replace, so far as possible, the loss which has been occasioned to the various branches of industry, but more especially to the agricultural portion of our common country, embraced within the great grain-producing sections of the west, by the drain caused through our present unhappy dissensions, diverting to the army of the United States the bone and sinew of the land.

The consequences of such withdrawal of labor, are much more serious than is generally supposed. The wages of those whom the agriculturist must employ, or lose his crop, have increased more than a hundred per cent., and the consequent tax upon the net receipts of the one great branch of our national industry upon which all others are to a great extent, if not entirely, dependent, has brought down the profits of the farmer to a minimum, beyond which he cannot afford to have them reduced.

There is now but one remedy, as your memorialists believe, for this great evil; and that is to be found in the encouragement, by all proper means within the province of congress, of immigration to our shores. It is now of vital importance to us, as a people, that every effort which can with propriety be made, commensurate to the desired end, should be used, and used promptly.

Your memorialists are of the opinion, that the appointment of competent and faithful agents to the different countries of Europe, will be found to be the best means which can be adopted to secure a large and valuable immigration, now so much needed to our shores; and your memorialists would also respectfully recommend to congress, in furtherance of the object proposed, that a law be passed exempting all such immigrants, for a definite period, to be

fixed by the act creating the agencies, from liability to military service in the armies of the United States; and your memorialists will ever pray, &c.

Resolved, That the governor be and he is hereby requested to forward a copy of the accompanying memorial to each of our senators and representatives in congress, and to the chief clerks of the senate and house of representatives.

Approved April 1, 1864.

NUMBER 15.

MEMORIAL to congress in relation to increased facilities of military and commercial transportation.

To the honorable the senate and house of representatives of the United States, in congress assembled.

The memorial of the legislature of the state of Wisconsin, would respectfully represent:

That in view of the events of the last two years, involving not only the application of all legitimate means to suppress a gigantic rebellion at home, but to maintain an attitude of defiant safety, which alone offered us continued security from abroad, the project of opening facilities of maritime transit from the Atlantic seaboard, through the great lakes to the Mississippi, and by way thereof to the gulf, has become a settled subject of grave importance.

In military defenses, the essential elements of cheapness and dispatch being no longer separable from gunboat movements, and the lives and property connected with the immense commerce of our inland seas, becoming considerations of solicitude and protection by the government, your memoralists premise that this general proposition already stands forcibly recommended to your favor.

Were anything wanting to augment a purely military necessity into a measure of great national policy, embodying financial development with "the general welfare," this subject need only be considered in reference to our public lands, the homestead law, and immigration. Of unsold public lands we have over one million and a half square miles. These lands, if settled as densely as Massachusetts, would contain over two hundred and fifty millions of inhabitants, and presenting every variety of climate, soil and

production, under the operations of the homestead law, are now being most rapidly peopled by both native and foreign settlers. Our foreign immigration, for the last decade, averaged 260,000 annually, and is most rapidly increasing under the inducements held out. Nor will the past afford any adequate scale for the future, in the rate of foreign immigration. It is not only the landless, the needy of Europe, that are looking toward our public domain, but the liberal mind and thought of the old world are being directed toward the new, as the abode of a redeemed and permanent civilization. As the stability of our political fabric becomes a demonstrable idea, the leading conventionalisms of Europe yield up their victims to a truer devotion, and it would not be surprising if our foreign immigration for the next ten years, would more than double that of the last.

This vast accession to our productive capital, as a nation, in seeking settlement and making homes, will center largely upon the lakes, the Mississippi, and its tributaries; in a region whose cities, hamlets and firesides demand protection, and whose productions seek safe and ready access to the markets of the world. This great annual influx of men and money, will extend the operations of agriculture, manufacture and arts in the Mississippi valley, very soon, to an immense aggregate, an aggregate that will beggar the results of our present export trade, crippled as it is by existing transportation. Nor will these increased means of active industry be confined to such channels alone. The rich returns of pioneer labor, in some of our western territories, must be taken as exciting proof of this. The gold deposits of the "middle region" and the Pacific slope, the rich mines of iron, copper, lead and coal in the Mississippi valley, will give an impulse to business enterprise that must become as renumerative in character as stupendous in outline.

With these accumulating elements of productive value, and the demand for a corresponding system of exchanges, and a public sentiment being educated up to the nature of its wants, and an active self-respect, it becomes difficult for other than extraordinary circumstances to long delay the favorable consideration of this general subject. There is no mistaking the exclusively commercial as well as military importance of this measure. It is a remarkable and interesting consideration, that at this moment, in the far west, s an accumulation of twenty-five millions of treasure, by adventurous enterprise, at a point quite isolated from even a direct wagon oad, and yet this is not more remarkable nor pertinent to our commercial future, than that from the industry of the great food-producing interest of the northwest has been exorted, annually, for ie last two years, more than twenty-five millions of dollars, by the urdensome exactions and vexatious delays incident to existing fa-

cilities of transportation. If there be anything pointedly suggestive to the political economist, in this state of facts, it is the loyalty and the elastic endurance of labor. Yet it is equally plain, that under the improving conceptions of public sentiment in regard to the true dignity and equitable rewards of labor, there is being logically adjusted a growing "power behind the throne," which will in its own good time supercede all deferred argument and all timid delays.

In relation, however, to the particular channel of connection between Lake Michigan and the Mississippi river, as an important link in the chain of communication, your memoralists have, if possible, a more special interest, and would further respectfully represent:

That desirable gunboat communication can be established between Lake Michigan and the Mississippi river, with greater cheapness and facility, by way of the Fox and Wisconsin rivers, than upon any other route. The whole distance of this route is 280 miles. Of this, the Wisconsin river, the upper and lower Fox and Lake Winnebago, cover 278, and the canal connecting the Fox and Wisconsin, two miles in length, and already permitting the passage of boats drawing three feet and a half water, connects and makes continuous the whole route. With the natural advantages and existing improvements of this route to begin with, there can be but little question but that it can be constructed to pass a given sized craft with less than one-eighth the amount of money that will be required to construst any other. This route will run within eighty miles by rail of "Iron ridge," where millions of tons of a superior ore can be handled as cheaply as so many tons of the adjacent earth, and affording from 45 to 50 per cent. of metallic iron, in such chemical combination with silex, lime, magnesia, aluminum, etc., as to form its own flux, thus not only furnishing an important want in the construction of gunboats, but supplying a staple article of consumption to the whole northwest.

Indeed, there are numerous points upon this route where iron, from either the Iron ridge or Lake Superior ore, can be manufactured as cheaply as at Cleveland or Buffalo. This route, too, can supply more abundantly and cheaply other material for the construction of gunboats and steamers, such as timber, lumber and wood for fuel, and as a part of a continuous communication between the Atlantic seaboard and the gulf, by of the great lakes, will protect more population and more wealth than any other route proposed.

Your memoralists, therefore, feeling the necessity of this great work, desire to urge upon you, and especially upon the representatives of the people of this state, the propriety of prompt action,

and most respectfully ask that the enlargement of the Fox and Wisconsin rivers improvement, the ship canal around the falls of Niagara, and the improvement of the Erie canal, have the aid of the general government at the earliest practicable moment.

The governor of this state is hereby requested to transmit a copy of this memorial to each of the senators and representatives of this state.

Approved April 1, 1864.

NUMBER 16.

MEMORIAL for a tri-weekly mail route from Mazomanie, in Dane county, Wisconsin, via West Blue Mounds and Moscow, to Green's prairie, in the county of Green, in this state.

To the honorable the senate and house of representatives of the United States, in congress assembled.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the interest and convenience of a large number of the inhabitants of the counties of Dane, Iowa, Green and La Fayette, in the state of Wisconsin, would be greatly enhanced by the establishment of a tri-weekly mail route from Mazomanie, in Dane county, via West Blue Mounds and Moscow, in Iowa county, to Green's prairie, in the county of Green, in this state.

Your memorialists respectfully ask that said mail route be established as aforesaid, at the earliest practicable period.

Approved April 2, 1864.

NUMBER 17.

MEMORIAL to congress for a modification of the tax on agricultural implements.

To the honorable the senate and house of representatives of the United States, in congress assembled.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That capital invested in the manufacture of agricultural implements, pays an undue proportion of government tax. By the

present internal revenue law, capital invested in trade pays no tax unless a profit is made, while that used in manufacturing agricultural implements is required to pay three per centum on all sales, even should no profit be made. It is fair to calculate that manufacturers, on an average, manufacture five times the amount in goods of their capital invested, thus making the three per centum tax on sales equal to fifteen per centum per annum on their actual capital. The growth and prosperity of the northwestern states have been largely augmented by the manufacture of agricultural implements. Without them, the development of our resources would be materially retarded, and at this time, when the want of labor is very materially restricting the prosperity of our country, every facility should be afforded the producer. We therefore most respectfully request your honorable body to so amend the internal revenue law, that capital invested in the manufacture of agricultural implements may be placed on a level with capital invested in other kinds of business.

Approved April 2, 1864.

NUMBER 18.

MEMORIAL to congress for a grant of lands to aid in the construction of a canal from Sturgeon Bay to Lake Michigan.

To the honorable the senate and house of representatives of the United States.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That among the many enterprises of the day claiming the attention of the general government, the protection of the shipping interests upon the great chain of lakes, and the development and growth of the commercial and agricultural communities scattered along the borders of these inland seas, are deserving full investigation and careful consideration on the part of your honorable body.

The harbors upon Lake Michigan are wholly inadequate to the wants of the vast interests of the states tributary to the trade upon said lake, and many lives are lost and much valuable property is annually destroyed for want of a harbor below Sheboygan, in which vessels may seek refuge during the terrible storms that frequently sweep over this vast body of water.

A new and spacious harbor can be opened up, the cost of which will be far below the value of improvement to the shipping interests, by cutting a channel through from Sturgeon Bay, one and a half miles, to Lake Michigan, at once opening a safe and immense haven, capable of affording protection to a large fleet of deepest draught vessels.

Aside from the incalculable value of such a harbor to the entire shipping interest of the lakes, the canal connecting it with Lake Michigan would be a channel for the great fleet of lumber vessels that annually load on the western shore of Green Bay, and would save them, each voyage, a distance of 200 miles around and through the "Door," where many noble vessels and valuable cargoes are annually lost.

The attention of congress is most earnestly called to this important subject, and a grant of land is asked for, to be used in making this much needed improvement.

The governor of this state is hereby requested to transmit a copy of this memorial to each of the senators and representatives of this state.

Approved April 2, 1864.

NUMBER 19.

MEMORIAL to congress for an appropriation to improve the entrance into Fox river from Green Bay.

To the honorable the senate and house of representatives of the United States:

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the entrance from Green Bay into Fox river, is difficult at the present time, owing to the fact that the channel is circuitous and hemmed in on either side by extensive flats, making the entrance thereto almost impossible in thick weather or in the night. We do further represent, that the Chicago and Northwestern railway company have completed a line of road to Fort Howard, at the entrance of the Fox river into Green Bay; that during the past year, being the first since the opening of the railroad to Fort Howard, there was shipped from the mouth of the river aforesaid, from Green Bay and Fort Howard, over six hundred thousand bushels of wheat,

and more than one hundred and forty thousand barrels of flour; and that the amount of business to be done by vessels through the mouth of this river, is scarcely begun, but will continue largely to increase for years to come; that the Fox river is the largest stream emptying into any of the great lakes from any of the states, and that its harbor in the river is large and commodious, with depths of water sufficient and room enough for all the vessels on the lakes, and that an expenditure of twenty-five thousand dollars would, in our opinion, be sufficient to straighten the channel and make the entrance comparatively easy.

Your memorialists, therefore, earnestly pray for an appropriation of twenty-five thousand dollars for that purpose, believing the same called for by the wants of the people, and to be returned four-fold to the general government by the increased facilities it will give to all branches of industry.

Approved April 4, 1864.

NUMBER 20.

MEMORIAL to the postmaster-general for change of mail route therein named.

To the honorable the postmaster-general of the United States.

The memorial of the legislature of the state of Wisconsin, would respectfully represent:

That the interest and convenience of a large number of the patrons of the postoffices on mail route number 13,115, would be materially enhanced by a change in said mail route, so as to run from Monroe, in Green county, via Jordan, Argyle, Fayette, to Darlington, in La Fayette county.

Approved April 4, 1864.

NUMBER 21.

MEMORIAL to the postmaster-general for a weekly mail route from Viroqua, in Vernon county, via Avalanch and Starr, to Debello, in said Vernon county.

The memorial of the legislatnre of the state of Wisconsin, respectfully represents:

That the interest and convenience of a large population would be greatly enhanced by the establishment of a weekly mail route from the village of Viroqua, in the county of Vernon, through Avalanch and Starr, to Debello, in said county of Vernon, a distance of about thirty miles.

Your memorialists would respectfully ask that the said mail route be established as aforesaid at the earliest practicable period.

Approved April 4, 1864.

NUMBER 22.

MEMORIAL to congress for an appropriation to wounded soldiers.

To the senate and house of representatives, in congress assembled.

The memorial of the legislature of the state of Wisconsin, res ectfully represents:

That congress, on the third day of March, 1864, passed an act giving one hundred dollars bounty to wounded soldiers of the present war, if discharged before they were two years in service, in consequence of wounds received in battle.

Your memorialists hereby ask your honorable body to pass an act appropriating the necessary funds to meet the provisions of the act aforesaid, at an early day; and your memorialists will ever pray, &c.

Approved April 4, 1864.

NUMBER 23.

MEMORIAL to congress for a semi-weekly mail route from Green Bay to Ahnepee, in Kewaunee county, through the town of Green Bay, in Brown county, and through the towns of Red River and Lincoln, in Kewaunee county.

To the honorable the senate and house of representatives of the United States, in congress assembled.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the interests and convenience of a large population of merchants and shippers would be greatly enhanced by the establishment of a semi-weekly mail route from the city of Green Bay, in Brown county, through the town of Green Bay, in Brown county, and through the towns of Red River and Lincoln, in Kewaunee county, to Ahnepee, in Kewaunee county.

Your memorialists would respectfully ask that the said mail route be established as aforesaid at the earliest practicable period.

Approved April 2, 1864.

NUMBER 24.

MEMORIAL to congress for a daily mail service, and for shortening the time through from St. Paul, Minnesota, to Superior, in this state.

To the senate and house of representatives of the United States.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the rapidly increasing population in the region of this state bordering upon Lake Superior, drawn thither by its vast mineral wealth and its agricultural advantages, demands an increase in its mail facilities, corresponding in some degree with its recent growth. The population at and about the head of the great lake, are entirely dependent upon the route from St. Paul, Minnesota, by way of Sunrise City, to Superior, Wisconsin, for their mails; and the recent and prospective growth of this part of the state of Wisconsin, imperatively demands that the service over this route be increased to a daily mail, and that the speed be so increased as to reduce the time through between Saint Paul and Superior City, to three days.

Your memorialists, therefore, respectfully ask for the establishment of such a daily through mail between the points named, running through in three days.

Approved April 2, 1864.

STATE OF WISCONSIN, }
SECRETARY' OFFICE, } ss.

The secretary of state of the state of Wisconsin does hereby certify, that the laws, joint resolutions and memorials published in this book, have been compared with the originals, deposited in this office, and that they appear to be correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the state, at the capitol, in Madson, this eighteenth day of June, A. D. 1864.

[L. S.]

LUCIUS FAIRCHILD, *secretary of state.*

LIST OF APPROPRIATIONS.

Date.	No.	To whom and for what appropriated.	Amount.
Feb. 15...	1...	L. Jones, repairing flags	$ 4 75
15...	2...	W. P. Towers, painting, glazing and varnishing	284 31
15...	3...	E. Marden, pump	13 60
15...	4...	Institute for blind, brooms	33 00
15...	5...	Frank M. Stewart, clerk state board of equalization	40 00
16...	6...	W. S. Main, sheriff, attending supreme court	206 00
24...	7...	Hospital for insane, current expenses	10,000 00
2...	8...	Henry Cordier, prison commissioner, for supplies	5,000 00
26...	9...	Jermain & Brightman, publishing general order No. 15	18 00
26...	10...	do. do. do. do. do. 21	70 50
26...	11...	do. do. do. governor's proclamation	10 00
26...	12...	John R. Bohan, publishing general order No. 46	1 50
Mar. 2...	13...	Thomas Stevens, inspector general, 1861	441 00
2...	14...	B. W. Suckow, bookbinding, etc	109 43
2...	15...	James Clark, visiting Indian tribes, 1862	29 70
2...	16...	B. F. Palmer, ladder	8 00
2...	17...	E. Hulbut, governor's aid-de-camp, 1861	80 00
2...	18...	William Benedict and Albert Dexter, messengers, state board equalization, each $6 00	12 00
2...	19...	G. B. Griffin, meals for returned soldiers	210 70
2...	20...	W. S. Main, sheriff, attending supreme court	60 00
2...	21...	La Fayette Kellogg, clerk supreme court, costs	88 25
2...	22...	James W. Harvey, moving safes	40 00
2...	23...	Charles Clement, advertising	89 87
2...	24...	Carl Habich, costs Dane circuit court	22 04
2...	25...	E. S. Hammond, selecting lands for agricultural college	75 00
2...	26...	Neeley Gray, coal	54 00
2...	27...	Carl Schmidt, repairing locks, etc	33 95
2...	28...	S. Klauber & Co., merchandise	168 37
2...	29...	J. Mason Haight, repairing furniture, etc	98 71
2...	30...	John N. Jones, merchandise	53 51
18...	31...	William N. Reed, selecting lands for agricultural college	70 00
18...	32...	C. V. N. Kittridge, merchandise	250 00
18...	33...	N. B. Crampton, blacksmithing, etc	8 70
18...	34...	C. Latham Sholes, seal press, etc	19 00
18...	35...	Moseley & Brother, stationery	140 77
18...	36...	Bunker & Vroman, lumber	113 30
18...	37...	C. H. Luce, lumber	417 95
18...	38...	William Studeman, repairing wheelbarrows	2 75
18...	39...	Ramsay & Campbell, merchandise	492 08
18...	40...	Dean, Pardee & Co, merchandise	262 71
18...	41...	A. Kutzbock, wood work connecting wings of capitol	85 00
18...	42...	C. S. Mears, lumber	648 22
18...	43...	R. L. Garlich, crockery	66 76
18...	44...	Moseley & Brother, fixtures	27 25

Date.	No.	To whom and for what appropriated.	Amount.
18	45	Jungman & Barckham, upholstery, etc.	104 56
18	46	M. E. Fuller, labor and building material	100 52
18	47	A. Kutzbock, extra services as architect	178 57
22	48	John Redermond, cask	20 00
25	49	George L. Frost, conveyance for joint committe to Camp Randall	4 00
29	50	E. K. Haines, town laws, distributed in 1859	250 00
29	51	H. Seifert, diagrams of senate and assembly	105 00
29	52	J. B. Norton, patent fire dampers	22 00
29	53	Bliss, Eberhard & Festner, baskets and wall paper	9 30
29	54	do. do stationery	149 09
29	55	E. Gibbs, gas fixtures and labor	610 99
29	56	G. D. Norris, storm flags	50 00
29	57	Fisher & Reynolds, chairs	27 00
29	58	Lorenzo Sackett, damages for repeal of Milwaukee and Wauwatosa plankroad charter	2,000 00
29	59	Publisher Journal of Education, increased postage	318 00
29	60	George Albee, messenger, state board of equlization	10 00
29	61	State reform school, erecting and furnishing building	3,500 00
		do do current expenses	6,000 00
30	62	C. Germain, sheriff, services in suit against Bank of Horicon	5 81
30	63	Deaf and dumb institute, current expenses	16,000 00
		do. do. additional accommodations	500 00
		do. do. contingent expenses	300 00
31	64	F. M. Stewart and John S. Dean, compiling, etc., legislative manual, each $75 00	150 00
Apr. 1	65	Henry Cordier, part indebtedness state prison, 1863	16,271 55
1	66	do. do. purchasing books	100 00
1	67	do. do. current expenses prison	30,000 00
1	68	G. F. Wheeler, J. D. Morris, W. K. Wilson, A. W. Starks, H. Beach, G. Wright, J. McElroy and O. F. Jones, joint committee on state prison, $15 each	120 00
1	69	W. E. Smith, A. M. Kimball, J. J. Thomas, A. C. Barry, A. Wilcox, A. Rood, J. W. Eviston, D. C. Reundy and W. R. Beach, committee on benevolent institutions, $25 each	225 00
1	70	Chaplains of legislature, five, at $30 each	150 00
1	71	J. L. Davis & Co., carpets	2,197 14
1	72	F. A. Ogden, lumber	76 09
1	73	W. J. Gill, ice	100 00
1	74	F. Zimmerman, damages from Ozaukee riot	100 00
1	75	J. N. Brundage, printing	22 00
2	76	Austrea masonic lodge, damages from Ozaukee riot	106 00
2	77	Vernon Tichenor and William S. Hawkins, taking testimony in contested election case between J. M. Cady and W. Costigan, $20 each	40 00
2	78	Institute for blind, current expenses	15,000 00
		do. do. for workshop	5,000 00
2	79	Neeley Gray, coal	50 95
2	80	Insane asylum, current expenses	25,000 00
2	81	Henry Cordier, for sewer from prison yard	2,500 00
2	82	Jane Fraser, expenses of late R. F. Fraser as allotment commissioner	600 00
4	83	St. Mary's Hospital, for support of James Henderson two years	250 00
4	84	John Hanson, damages from Ozaukee riot	100 00
4	85	St. Mary's hospital	1,000 00

Date.	No.	To whom and for what appropriated.	Amount.
4	86	William Haefer, damages from Oxaukee riot	50 00
4	87	William Costigan, expenses contested election case	41 00
4	88	James M. Cady, do. do. do.	150 42
4	89	Soldiers' national cemetary at Gettysburg	2,523 00
4	90	J. T. Lewis, governor's contingent expenses	5,000 00

STATE OF WISCONSIN, }
SECRETARY'S OFFICE, } ss.

I, Lucius Fairchild, secretary of state of the state of Wisconsin, do hereby certify, that I have compared the foregoing list with the original acts of appropriations deposited in this office, and that the same is a complete list of all appropriations made at the last session of the legislature, except such as are printed at length in this volume.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the state, at the capitol, in Madison, this 18th day of June, A. D. 1864.

[L. S.]

LUCIUS FAIRCHILD, *secretary of state.*

NOTE.—For "39," in last line of title of chapter 233, page 303, read "29."

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